

By Senator Lee

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1 A bill to be entitled
2 An act relating to contact lens pricing practices;
3 creating s. 501.161, F.S.; prohibiting certain acts by
4 manufacturers of prescription contact lenses relating
5 to the retail sale, advertising, pricing, and
6 distribution of contact lenses; prohibiting the use of
7 a contact lens distributor for certain purposes;
8 providing for enforcement under the Florida Deceptive
9 and Unfair Trade Practices Act; providing an effective
10 date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 501.161, Florida Statutes, is created to
15 read:

16 501.161 Contact lens pricing practices.—

17 (1) A manufacturer of prescription contact lenses may not:

18 (a) Prevent, by any means, including through a unilateral
19 policy or agreement, a retailer from selling or advertising
20 contact lenses to consumers below any specified price.

21 (b) Limit the ability of a retailer to determine prices at
22 which contact lenses are offered or advertised to consumers.

23 (c) Restrict options available to contact lens purchasers
24 by discriminating in the distribution of contact lenses based on
25 the channel of trade or based on whether the retailer is, or is
26 associated with, a person or entity authorized by law to
27 prescribe contact lenses.

28 (2) A manufacturer may not use a contact lens distributor
29 to avoid compliance with this section.

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30 (3) A violation of this section constitutes an unfair or
31 deceptive act or practice within the meaning of the Florida
32 Deceptive and Unfair Trade Practices Act, and the violator may
33 be subject to civil or administrative action by an enforcing
34 authority under part II of this chapter.

35 Section 2. This act shall take effect July 1, 2015.