



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** S. 1016 Veto overridden on May 19, 2016  
**Author:** Cleary  
**Subject:** Eye Care Consumer Protection Law  
**Requestor:** Senate  
**RFA Analyst(s):** Stein  
**Impact Date:** August 5, 2016

**Estimate of Fiscal Impact**

	FY 2016-17	FY 2017-18
<b>State Expenditure</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	\$0	\$0
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

This bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the Senate on April 21, 2016**

**State Expenditure**

The amended bill creates Chapter 24, Title 40 entitled the Eye Care Consumer Protection Law administered by the Department of Labor, Licensing and Regulation. The original bill created this section as Chapter 45, Title 44 administered by the Department of Health and Environmental Control. The amended bill adds and deletes terms in the definitions section but retains the definition of kiosk. The amended bill prescribes the criteria necessary for a valid eyewear prescription, including the requirement of an eye examination, and prohibits the dispensing of spectacles or contact lenses without a valid prescription. The bill provides that a prescription may not be based solely on the refractive eye error of the human eye or be generated by a kiosk. The bill states that violations of this section constitute misconduct and violators are subject to the penalties imposed by their respective boards as authorized in Chapter 37, Title 40 for optometrists and in Chapter 47, Title 40 for ophthalmologists.

**Department of Labor, Licensing and Regulation.** The department reports that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds. Minimal expenditures are anticipated but these would be absorbed using available resources.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Explanation of Bill filed January 21, 2016**

**State Expenditure**

This bill amends Title 44 by adding Chapter 45 known as the Eye Care Consumer Protection Law. The bill requires the Department of Health and Environmental Control to regulate the dispensing of prescription eyewear. The bill defines the term kiosk and specifies requirements for the proper use of automated visual diagnostic equipment. The bill requires the Department of Health and Environmental Control to enforce this Chapter through complaint investigations and hearing procedures. The bill specifies fines and other penalties for violations and provides that the violator's licensing board shall retain all assessed fines and determine disciplinary actions.

**Department of Health and Environmental Control.** The department estimates that this new regulatory program would require one investigator, one administrative assistant, and one licensed practical nurse. First year costs are estimated at \$185,440 (including \$145,529 for salaries and fringes, \$20,633 for operating costs, and \$19,278 for the one-time purchase of office equipment and investigative training). Subsequently, annual operating expenditures are estimated at \$166,162.

**Department of Labor, Licensing and Regulation.** The department reports that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds. Minimal expenditures are anticipated but these would be absorbed using available resources.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director