SYNOPSIS

Authorizes optometrists to administer immunizations against coronaviruses and influenza under certain circumstances.

CURRENT VERSION OF TEXT

As amended by the Senate on March 25, 2021

(Sponsorship Updated As Of: 3/25/2021)
AN ACT concerning optometrists, amending R.S.45:12-1, and
supplementing chapter 12 of Title 45 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. R.S.45:12-1 is amended to read as follows:

45:12-1. Optometry is hereby declared to be a profession, and the
practice of optometry is defined to be the employment of objective or
subjective means, or both, for the examination of the human eye and
adnexae for the purposes of ascertaining any departure from the
normal, measuring its powers of vision and adapting lenses or prisms
for the aid thereof, or the use and prescription of pharmaceutical
agents, excluding injections, except for injections to counter
anaphylactic reaction [;] and excluding controlled dangerous
substances as provided in sections 5 and 6 of P.L.1970, c.226
(C.24:21-5 and C.24:21-6), except as otherwise authorized by section
9 of P.L.1991, c.385 (C.45:12-9.11), for the purposes of treating
deficiencies, deformities, diseases, or abnormalities of the human eye
and adnexae, including the removal of superficial foreign bodies from
the eye and adnexae. The practice of optometry shall include the
administration of immunizations against coronaviruses and influenza
by any route or modality, provided that administration of the
immunization is consistent with recommendations issued by the
Advisory Committee for Immunization Practices in the federal Centers
for Disease Control and Prevention and complies with the
requirements of section 2 of P.L. , c. (C. ) (pending before the
Legislature as this bill).

An optometrist utilizing pharmaceutical agents for the purposes of
treatment of ocular conditions and diseases shall be held to a standard
of patient care in the use of such agents commensurate to that of a
physician utilizing pharmaceutical agents for treatment purposes.

A person shall be deemed to be practicing optometry within the
meaning of this chapter who in any way advertises himself as an
optometrist, or who shall employ any means for the measurement of
the powers of vision or the adaptation of lenses or prisms for the aid
thereof, practice, offer or attempt to practice optometry as herein
defined, either on his own behalf or as an employee or student of
another, whether under the personal supervision of his employer or
perceptor or not, or to use testing appliances for the purposes of
measurement of the powers of vision or diagnose any ocular
deficiency or deformity, visual or muscular anomaly of the human eye
and adnexae or prescribe lenses, prisms or ocular exercise for the
correction or the relief thereof, or who uses or prescribes
pharmaceutical agents for the purposes of diagnosing and treating

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
1Assembly AHE committee amendments adopted January 13, 2021.
2Senate floor amendments adopted March 25, 2021.
deficiencies, deformities, diseases or abnormalities of the human eye
and adnexae or who holds himself out as qualified to practice
optometry.
(cf: P.L.2017, c.28, s.16)

2. (New section)  a.  '(1) Except as provided in paragraph (2) of
this subsection, an optometrist shall not administer immunizations
except upon certification from the New Jersey State Board of
Optometrists that the optometrist has met any training and
qualification requirements as are established by the board by rules and
regulations adopted pursuant to the “Administrative Procedure Act,”
P.L.1968, c.410 (C.52:14B-1 et seq.).

(2)  (1) Subject to the provisions of paragraph (2) of this
subsection, an optometrist shall be authorized to administer
immunizations against coronaviruses and influenza upon certification
from the New Jersey State Board of Optometrists that the optometrist
has met any training and qualification requirements as are established
by the board by rules and regulations adopted pursuant to the

(2)  The New Jersey State Board of Optometrists may certify an
optometrist to administer an epinephrine auto-injector device to a
patient who is 18 years of age or older and who appears to be suffering
from anaphylaxis and immunizations to patients who are 18
years of age or older against a coronavirus or influenza during a
public health emergency involving an outbreak or epidemic of a
coronavirus or influenza declared pursuant to the “Emergency Health
Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.) which are
intended to prevent or reduce the transmission of the disease that is the
basis for the declared public health emergency, regardless of
whether the board has adopted rules and regulations implementing the
provisions of P.L. , c. (C. ) (pending before the Legislature as
this bill). Authorization to administer an immunization or an
injection pursuant to this section shall terminate following the end of
the declared public health emergency. At a minimum, immunization
administration training based on guidance from the Centers for
Disease Control and Prevention shall be a prerequisite for certification
to administer an immunization pursuant to this section. The
authority to administer immunizations under the provisions of this
paragraph shall be limited to administering immunizations against the
specific disease for which the public health emergency was declared.
All other immunizations shall be subject to the requirements of
paragraph (1) of this section.

b.  (1) An optometrist shall not administer an immunization to
any patient who is younger than 18 years of age unless administration
of the immunization to the patient is authorized by the patient’s parent
or legal guardian.
Subject to the provisions of paragraph (1) of this subsection, an optometrist may administer the influenza immunization to any patient who is seven years of age or older, and may administer any immunization to any patient who is 10 years of age or older. An optometrist shall not administer any immunization to a patient who is younger than seven years of age.

A. An optometrist shall not administer an immunization against a coronavirus or influenza pursuant to this section to any patient who is younger than 18 years of age.

An immunization against a coronavirus or influenza administered to a patient by an optometrist under this section shall be reported by the optometrist to the New Jersey Immunization Information System established pursuant to section 4 of P.L.2004, c.138 (C.26:4-134) for inclusion in the patient’s registry.

3. The New Jersey State Board of Optometrists shall adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary to implement the provisions of this act.

4. This act shall take effect immediately.