

[First Reprint]

**SENATE, No. 3306**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JANUARY 7, 2021

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on March 9, 2021, with amendments.



**(Sponsorship Updated As Of: 3/25/2021)**

1 AN ACT concerning optometrists, amending R.S.45:12-1, and  
2 supplementing chapter 12 of Title 45 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. R.S.45:12-1 is amended to read as follows:

8 45:12-1. Optometry is hereby declared to be a profession, and  
9 the practice of optometry is defined to be the employment of  
10 objective or subjective means, or both, for the examination of the  
11 human eye and adnexae for the purposes of ascertaining any  
12 departure from the normal, measuring its powers of vision and  
13 adapting lenses or prisms for the aid thereof, or the use and  
14 prescription of pharmaceutical agents, excluding injections, except  
15 for injections to counter anaphylactic reaction **【;】**, and excluding  
16 controlled dangerous substances as provided in sections 5 and 6 of  
17 P.L.1970, c.226 (C.24:21-5 and C.24:21-6), except as otherwise  
18 authorized by section 9 of P.L.1991, c.385 (C.45:12-9.11), for the  
19 purposes of treating deficiencies, deformities, diseases, or  
20 abnormalities of the human eye and adnexae, including the removal  
21 of superficial foreign bodies from the eye and adnexae. The  
22 practice of optometry shall include the administration of  
23 immunizations <sup>1</sup>against coronaviruses and influenza<sup>1</sup> by any route  
24 or modality, provided that administration of the immunization is  
25 consistent with recommendations issued by the Advisory  
26 Committee for Immunization Practices in the federal Centers for  
27 Disease Control and Prevention and complies with the requirements  
28 of section 2 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill).

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

35 A person shall be deemed to be practicing optometry within the  
36 meaning of this chapter who in any way advertises himself as an  
37 optometrist, or who shall employ any means for the measurement of  
38 the powers of vision or the adaptation of lenses or prisms for the aid  
39 thereof, practice, offer or attempt to practice optometry as herein  
40 defined, either on his own behalf or as an employee or student of  
41 another, whether under the personal supervision of his employer or  
42 perceptor or not, or to use testing appliances for the purposes of  
43 measurement of the powers of vision or diagnose any ocular  
44 deficiency or deformity, visual or muscular anomaly of the human

**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:

<sup>1</sup>Senate SHH committee amendments adopted March 9, 2021.

1 eye and adnexae or prescribe lenses, prisms or ocular exercise for  
2 the correction or the relief thereof, or who uses or prescribes  
3 pharmaceutical agents for the purposes of diagnosing and treating  
4 deficiencies, deformities, diseases or abnormalities of the human  
5 eye and adnexae or who holds himself out as qualified to practice  
6 optometry.

7 (cf: P.L.2017, c.28, s.16)

8  
9 2. (New section) a. (1) <sup>1</sup>**【Except as provided in】** Subject to  
10 the provisions of<sup>1</sup> paragraph (2) of this subsection, an optometrist  
11 shall <sup>1</sup>**【not】 be authorized to**<sup>1</sup> administer immunizations <sup>1</sup>**【except】**  
12 against coronaviruses and influenza<sup>1</sup> upon certification from the  
13 New Jersey State Board of Optometrists that the optometrist has  
14 met any training and qualification requirements as are established  
15 by the board by rules and regulations adopted pursuant to the  
16 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
17 seq.).

18 (2) The New Jersey State Board of Optometrists may certify an  
19 optometrist to administer immunizations <sup>1</sup>against a coronavirus or  
20 influenza<sup>1</sup> during a public health emergency <sup>1</sup>involving an outbreak  
21 or epidemic of a coronavirus or influenza<sup>1</sup> declared pursuant to the  
22 “Emergency Health Powers Act,” P.L.2005, c.222 (C.26:13-1 et  
23 seq.), regardless of whether the board has adopted rules and  
24 regulations implementing the provisions of P.L. , c. (C. )  
25 (pending before the Legislature as this bill). <sup>1</sup>The authority to  
26 administer immunizations under the provisions of this paragraph  
27 shall be limited to administering immunizations against the specific  
28 disease for which the public health emergency was declared. All  
29 other immunizations shall be subject to the requirements of  
30 paragraph (1) of this section.<sup>1</sup>

31 b. <sup>1</sup>**【(1)】**<sup>1</sup> An optometrist shall not administer an  
32 immunization <sup>1</sup>against a coronavirus or influenza pursuant to this  
33 section<sup>1</sup> to any patient who is younger than 18 years of age <sup>1</sup>**【unless**  
34 administration of the immunization to the patient is authorized by  
35 the patient’s parent or legal guardian.

36 (2) Subject to the provisions of paragraph (1) of this subsection,  
37 an optometrist may administer the influenza immunization to any  
38 patient who is seven years of age or older, and may administer any  
39 immunization to any patient who is 10 years of age or older. An  
40 optometrist shall not administer any immunization to a patient who  
41 is younger than seven years of age<sup>1</sup> .

42 c. An immunization <sup>1</sup>against a coronavirus or influenza<sup>1</sup>  
43 administered to a patient by an optometrist <sup>1</sup>under this section<sup>1</sup> shall  
44 be reported by the optometrist to the New Jersey Immunization  
45 Information System established pursuant to section 4 of P.L.2004,  
46 c.138 (C.26:4-134) for inclusion in the patient’s registry.

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

5

6       4. This act shall take effect immediately.