

[Second Reprint]

**ASSEMBLY, No. 5222**

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

INTRODUCED JANUARY 7, 2021

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**District 33 (Hudson)**

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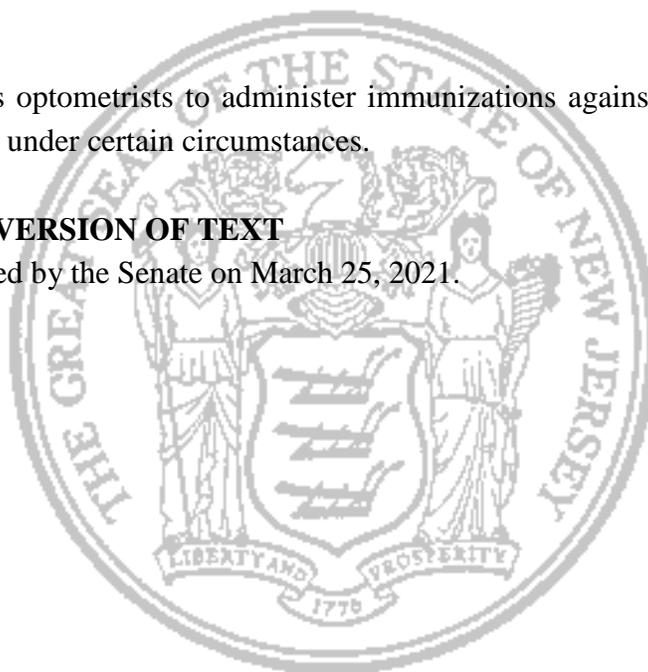
**Assemblywoman McKnight**

**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)**

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

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

33 A person shall be deemed to be practicing optometry within the  
34 meaning of this chapter who in any way advertises himself as an  
35 optometrist, or who shall employ any means for the measurement of  
36 the powers of vision or the adaptation of lenses or prisms for the aid  
37 thereof, practice, offer or attempt to practice optometry as herein  
38 defined, either on his own behalf or as an employee or student of  
39 another, whether under the personal supervision of his employer or  
40 perceptor or not, or to use testing appliances for the purposes of  
41 measurement of the powers of vision or diagnose any ocular  
42 deficiency or deformity, visual or muscular anomaly of the human eye  
43 and adnexae or prescribe lenses, prisms or ocular exercise for the  
44 correction or the relief thereof, or who uses or prescribes  
45 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:

<sup>1</sup>Assembly AHE committee amendments adopted January 13, 2021.

<sup>2</sup>Senate floor amendments adopted March 25, 2021.

1 deficiencies, deformities, diseases or abnormalities of the human eye  
2 and adnexae or who holds himself out as qualified to practice  
3 optometry.  
4 (cf: P.L.2017, c.28, s.16)

5  
6 2. (New section) a. <sup>1</sup>[(1) Except as provided in paragraph (2) of  
7 this subsection, an optometrist shall not administer immunizations  
8 except upon certification from the New Jersey State Board of  
9 Optometrists that the optometrist has met any training and  
10 qualification requirements as are established by the board by rules and  
11 regulations adopted pursuant to the “Administrative Procedure Act,”  
12 P.L.1968, c.410 (C.52:14B-1 et seq.).

13 (2)<sup>1</sup> <sup>2</sup>(1) Subject to the provisions of paragraph (2) of this  
14 subsection, an optometrist shall be authorized to administer  
15 immunizations against coronaviruses and influenza upon certification  
16 from the New Jersey State Board of Optometrists that the optometrist  
17 has met any training and qualification requirements as are established  
18 by the board by rules and regulations adopted pursuant to the  
19 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

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

43 b. <sup>1</sup>[(1) An optometrist shall not administer an immunization to  
44 any patient who is younger than 18 years of age unless administration  
45 of the immunization to the patient is authorized by the patient’s parent  
46 or legal guardian.

1 (2) Subject to the provisions of paragraph (1) of this subsection, an  
2 optometrist may administer the influenza immunization to any patient  
3 who is seven years of age or older, and may administer any  
4 immunization to any patient who is 10 years of age or older. An  
5 optometrist shall not administer any immunization to a patient who is  
6 younger than seven years of age.

7 c.<sup>1</sup> <sup>2</sup>An optometrist shall not administer an immunization against  
8 a coronavirus or influenza pursuant to this section to any patient who  
9 is younger than 18 years of age.

10 c.<sup>2</sup> An immunization <sup>2</sup>against a coronavirus or influenza<sup>2</sup>  
11 administered to a patient by an optometrist <sup>2</sup>under this section<sup>2</sup> shall  
12 be reported by the optometrist to the New Jersey Immunization  
13 Information System established pursuant to section 4 of P.L.2004,  
14 c.138 (C.26:4-134) for inclusion in the patient's registry.

15  
16 3. The New Jersey State Board of Optometrists shall adopt  
17 rules and regulations, pursuant to the "Administrative Procedure  
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary to  
19 implement the provisions of this act.

20

21 4. This act shall take effect immediately.