

P.L. 2021, CHAPTER 101, *approved May 12, 2021*
Assembly, No. 5222 (*Second Reprint*)

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 **【:]** , 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 ²against coronaviruses and influenza²
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

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.

1 measurement of the powers of vision or diagnose any ocular
 2 deficiency or deformity, visual or muscular anomaly of the human eye
 3 and adnexae or prescribe lenses, prisms or ocular exercise for the
 4 correction or the relief thereof, or who uses or prescribes
 5 pharmaceutical agents for the purposes of diagnosing and
 6 treating deficiencies, deformities, diseases or abnormalities of the
 7 human eye and adnexae or who holds himself out as qualified to
 8 practice optometry.

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

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

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

25 (2)² The New Jersey State Board of Optometrists may certify an
 26 optometrist to administer ²¹an epinephrine auto-injector device to a
 27 patient who is 18 years of age or older and who appears to be suffering
 28 from anaphylaxis and¹²immunizations ²¹to patients who are 18
 29 years of age or older¹ against a coronavirus or influenza² during a
 30 public health emergency ²involving an outbreak or epidemic of a
 31 coronavirus or influenza² declared pursuant to the “Emergency Health
 32 Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.) ²¹which are
 33 intended to prevent or reduce the transmission of the disease that is the
 34 basis for the declared public health emergency¹², regardless of
 35 whether the board has adopted rules and regulations implementing the
 36 provisions of P.L. , c. (C.) (pending before the Legislature as
 37 this bill). ²¹Authorization to administer an immunization or an
 38 injection pursuant to this section shall terminate following the end of
 39 the declared public health emergency. At a minimum, immunization
 40 administration training based on guidance from the Centers for
 41 Disease Control and Prevention shall be a prerequisite for certification
 42 to administer an immunization pursuant to this section.¹ The
 43 authority to administer immunizations under the provisions of this
 44 paragraph shall be limited to administering immunizations against the
 45 specific disease for which the public health emergency was declared.

1 All other immunizations shall be subject to the requirements of
2 paragraph (1) of this section.²

3 b. ¹[(1) An optometrist shall not administer an immunization to
4 any patient who is younger than 18 years of age unless administration
5 of the immunization to the patient is authorized by the patient's parent
6 or legal guardian.

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

13 c. ¹²An optometrist shall not administer an immunization against
14 a coronavirus or influenza pursuant to this section to any patient who
15 is younger than 18 years of age.

16 c.² An immunization ²against a coronavirus or influenza²
17 administered to a patient by an optometrist ²under this section² shall
18 be reported by the optometrist to the New Jersey Immunization
19 Information System established pursuant to section 4 of P.L.2004,
20 c.138 (C.26:4-134) for inclusion in the patient's registry.

21
22 3. The New Jersey State Board of Optometrists shall adopt
23 rules and regulations, pursuant to the "Administrative Procedure
24 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary to
25 implement the provisions of this act.

26
27 4. This act shall take effect immediately.
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32 _____
33 Authorizes optometrists to administer immunizations against
coronaviruses and influenza under certain circumstances.