

Dr. CHAPMAN. No, sir, it does not refer to medicines or drugs. Ophthalmic applies to lenses, frames, prisms.

Mr. WHITENER. You mean materials?

Dr. CHAPMAN. It might be a case, an eyeglass cleaner.

Mr. WHITENER. An eyeglass cleaner could not be advertised at a price? Under this bill could they advertise some of these little bottles of what you use to clean the glasses?

Dr. CHAPMAN. It should not be unless it is used by the optometrist for the furtherance of his practice.

Mr. WHITENER. This does not limit itself to the optometrist. It states it shall be unlawful for any person. Look at section 8, line 6. "It shall be unlawful for any person", and then go to line 8: "With the exception of nonprescription sunglasses or nonprescription protective eyewear, to advertise or cause to be advertised to the public any optometric or ophthalmic material of any character which includes or contains any price cost or any reference thereto, whether related to any eye examination or to the cost or price of lenses, glasses, mountings, or ophthalmic articles or devices;"

If you mean to include these little eyeglass wipers such as Mr. Horton has, or a plastic bottle which contains material you can squirt on your glasses in a drug store, this would be a little harsh, would it not?

Dr. CHAPMAN. We have no intention of that at all in this Act.

Mr. WHITENER. Why would not "optometric material" be adequate to cover your problem? You have "optometric or ophthalmic."

Mr. SISK. What is the definition of "ophthalmic material"? I have an idea what it is, but what is the actual definition?

Dr. HOFSTETTER. In the legal framework, I am not sure. I rather suspect, off the cuff, that "optometric material" by itself would be adequate. I am not sure.

Mr. WHITENER. When you say "optometric material," we know you mean frames, lenses, and that type of thing.

Dr. HOFSTETTER. I think so.

Mr. WHITENER. When you say "ophthalmic material," we might mean Murine or eyeglass wash. I think we ought to give that some consideration.

On page 13, line 13, I wonder if the language is adequate, "This Act shall not be deemed to require a physician or surgeon licensed . . . for the practice of medicine or osteopathy," instead of making the statement that it does not require? What is the magic of the words "shall not be deemed"?

Dr. CHAPMAN. Purely to clarify that portion of the Act, Mr. Whitener, where there was some question.

Mr. WHITENER. "This Act does not require" seems to me to be a better piece of draftsmanship.

Dr. HOFSTETTER. I am not sure of your question.

Mr. WHITENER. You note in line 13 it says "This Act shall not be deemed to require a physician," and so forth. A little ahead of that, in section 9, at the beginning, it says, "This Act shall not apply to . . .

Why should you not say, "This Act shall not apply to a physician or surgeon licensed under the laws of the District of Columbia for the practice of medicine," and so forth?

Dr. CHAPMAN. I think it could be.