

CHAPTER 101

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:

Practice of optometry defined.

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.2021, c.101 (C.45:12-1.1).

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 deficiencies, deformities, diseases or abnormalities of the human eye and adnexae or who holds himself out as qualified to practice optometry.

C.45:12-1.1 Authority of optometrist to administer certain immunizations.

2. a. (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 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(2) The New Jersey State Board of Optometrists may certify an optometrist to administer immunizations 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.), regardless of whether the board has adopted rules and regulations implementing the provisions of P.L.2021, c.101 (C.45:12-1.1 et al.). 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. 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.

c. 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.

Approved May 12, 2021.