

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2164**

Introduced by

Senators Flakoll, Andrist

Representatives Delmore, Karls, Nathe, Porter

1 A BILL for an Act to amend and reenact subsection 4 of section 43-13-01 and section  
2 43-13-13.2 of the North Dakota Century Code, relating to optometrists dispensing therapeutic  
3 pharmaceutical agents.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 43-13-01 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 4. "Pharmaceutical agent" means diagnostic pharmaceutical agents or therapeutic  
8 pharmaceutical agents. The term includes nonscheduled pharmaceutical agents,  
9 except for acetaminophen with thirty milligrams of codeine, that have documented  
10 use in the treatment of ocular-related disorders or diseases. As used in this  
11 subsection:

12 a. "Diagnostic pharmaceutical agents" means pharmaceutical agents  
13 administered for the evaluation and diagnosis of disorders of the human eye  
14 including anesthetics, mydriatics, myotics, cycloplegics, diagnostic dyes,  
15 diagnostic stains, and pharmaceutical agents to evaluate abnormal pupil  
16 responses.

17 b. "Therapeutic pharmaceutical agents" includes topically administered and  
18 prescribed pharmaceutical agents for treatment of ocular-related disorders or  
19 disease, locally administered pharmaceutical agents for primary eye care  
20 procedures, oral anti-infective agents, oral antihistaminic agents, and oral  
21 analgesics for the treatment of ocular-related disorders or diseases. ~~The~~  
22 ~~dispensing of therapeutic pharmaceutical agents is not permitted under this~~  
23 ~~chapter.~~

1           **SECTION 2. AMENDMENT.** Section 43-13-13.2 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **43-13-13.2. Practice of optometry - Certification requirements - Notification.**

- 4           1. Any person engaged in visual training procedures or who employs or prescribes  
5 lenses, prisms, filters, ophthalmic instruments, or combinations thereof, held either  
6 in contact with the eye, or in frames or mounting, to aid, relieve, or correct any  
7 visual or ocular anomaly, or holds out as being able to do so, is deemed to be  
8 engaged in the practice of optometry.
- 9           2. Before any optometrist may prescribe and administer pharmaceutical agents in the  
10 treatment and management of ocular diseases, the optometrist must first be  
11 certified or qualify for certification in the use of diagnostic pharmaceutical agents.  
12 For additional certification to prescribe and administer pharmaceutical agents in the  
13 treatment and management of ocular disease, the board shall require at least  
14 seventy-six hours of didactic instruction and twenty-four hours of clinical application  
15 of pharmaceutical agents for the treatment and management of ocular diseases.  
16 The course for therapeutic certification must be provided by an institution  
17 accredited by a regional or professional accrediting organization that is recognized  
18 and approved by the United States department of education or the council on  
19 postsecondary accreditation.
- 20           3. An optometrist may not dispense therapeutic pharmaceutical agents, except an  
21 optometrist may:
- 22           a. Provide a patient a drug sample at no cost to the patient; or  
23           b. Sell contact lenses or ophthalmic devices that are classified by the federal  
24           food and drug administration as a drug.
- 25           4. The board shall provide the board of pharmacy upon request a list of licensed  
26 optometrists certified in the use of pharmaceutical agents.