

AMENDED IN ASSEMBLY AUGUST 29, 2011

AMENDED IN ASSEMBLY JUNE 23, 2011

**SENATE BILL**

**No. 824**

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**Introduced by Senator Negrete McLeod**

February 18, 2011

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An act to add Section 2553.1 to the Business and Professions Code, relating to opticians.

LEGISLATIVE COUNSEL'S DIGEST

SB 824, as amended, Negrete McLeod. Opticians: regulation.

Existing law requires that dispensing opticians register with the Medical Board of California prior to engaging in the practice of a dispensing optician. Under existing law, a registered dispensing optician is required to obtain and display a separate certificate of registration at each location where his or her business is conducted. Existing law makes a violation of laws regulating a registered dispensing optician a misdemeanor.

This bill would require a *registered dispensing optician selling or transferring ownership of his or her place of business to return the certificate of registration to the board within 10 days of the completion of the transfer of ownership. The bill would also require the registered dispensing optician acquiring ownership of a the business to file a notice with the board within 10 days of the completion of the transfer of ownership to him or her. The bill and* would specify that until receipt of ~~the~~ *that* notice by the board, the registered dispensing optician selling or transferring the interest remains responsible for complying with all laws regulating the *optical dispensing* business.

Because a violation of laws regulating registered dispensing opticians is a crime, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2553.1 is added to the Business and  
 2 Professions Code, to read:  
 3 2553.1. (a) If a registered dispensing optician sells or transfers  
 4 ~~in any manner an ownership interest in~~ *ownership of* his or her  
 5 place of business, ~~the registered dispensing optician assuming the~~  
 6 *both of the following requirements shall be satisfied:*  
 7 (1) *The registered dispensing optician selling or transferring*  
 8 *ownership of the business shall return the certificate of registration*  
 9 *to the board no later than 10 calendar days after the change of*  
 10 *ownership is completed. This registered dispensing optician shall*  
 11 *be responsible for complying with all laws relating to the optical*  
 12 *dispensing business until the notice described in paragraph (2) is*  
 13 *received by the board.*  
 14 (2) *The registered dispensing optician assuming ownership of*  
 15 *the business shall record with the board a written notice of the*  
 16 *change of ownership, providing all information required by the*  
 17 ~~board. The registered dispensing optician assuming the ownership~~  
 18 ~~of the business shall file the notice with the board no later than 10~~  
 19 ~~calendar days after the change of ownership is completed. The~~  
 20 ~~registered dispensing optician selling or transferring the ownership~~  
 21 ~~interest in his or her business shall be responsible for complying~~  
 22 ~~with all laws relating to the place of business until the notice is~~  
 23 ~~received by the board. This section does not apply to a change of~~  
 24 ~~board. This notice shall be filed with the board no later than 10~~  
 25 ~~calendar days after the change of ownership is completed.~~  
 26 (b) *This section does not apply to a change of location of*  
 27 *business by a registered dispensing optician.*

1 SEC. 2. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

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