

ASSEMBLY BILL

No. 2478

Introduced by Assembly Member Kevin Murray

February 21, 1996

An act to amend Section 51520 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2478, as introduced, K. Murray. Schools: solicitations by licensed optometrists.

Existing law prohibits a licensed dentist that provides voluntary dental health screening programs for pupils on school premises from soliciting a pupil, or a pupil's parent or guardian, or encouraging, or advising treatment or consultation for the pupil by the licensed dentist, or any affiliate of the licensed dentist, for any condition discovered in the course of the dental health screening. Existing law also states that it is the intent of the Legislature that no licensed dentist use voluntary dental health screening programs for the generation of referrals or for financial benefit.

Existing law requires the governing board of any school district to provide for the testing of the sight of each pupil enrolled in the schools of the district, except if the parent or guardian of the pupil has filed a statement refusing consent.

This bill would prohibit a licensed optometrist who provides voluntary vision testing programs for pupils on school premises from soliciting a pupil, or a pupil's parent or guardian, or encouraging, or advising treatment or consultation for the pupil by the licensed optometrist, or any

affiliate of the licensed optometrist, for any condition discovered in the course of the vision testing. This bill would also state that it is the intent of the Legislature that no licensed optometrist use voluntary vision testing programs for the generation of referrals or for financial benefit.

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

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

1 SECTION 1. Section 51520 of the Education Code is
2 amended to read:

3 51520. (a) During school hours, and within one hour
4 before the time of opening and within one hour after the
5 time of closing of school, pupils of the public school shall
6 not be solicited on school premises by teachers or others
7 to subscribe or contribute to the funds of, to become
8 members of, or to work for, any organization not directly
9 under the control of the school authorities, unless the
10 organization is a nonpartisan, charitable organization
11 organized for charitable purposes by an act of Congress
12 or under the laws of the state, the purpose of the
13 solicitation is nonpartisan and charitable, and the
14 solicitation has been approved by the county board of
15 education or by the governing board of the school district
16 in which the school is located.

17 (b) A licensed dentist ~~that~~ *who* provides voluntary
18 dental health screening programs for pupils on school
19 premises, shall not solicit a pupil, or the pupil's parent or
20 guardian, or encourage, or advise treatment or
21 consultation for the pupil by the licensed dentist, or any
22 entity in which the licensed dentist has a financial
23 interest, for any condition discovered in the course of the
24 dental health screening. It is the intent of the Legislature
25 that no licensed dentist use voluntary dental health
26 screening programs for the generation of referrals or for
27 financial benefit. The Legislature does not intend to deny
28 or limit freedom of choice in the selection of an
29 appropriate dental provider for treatment or
30 consultation.



1 (c) A licensed optometrist who provides voluntary
2 vision testing programs for pupils on school premises,
3 shall not solicit a pupil, or the pupil's parent or guardian,
4 or encourage, or advise treatment or consultation for the
5 pupil by the licensed optometrist, or any entity in which
6 the licensed optometrist has a financial interest, for any
7 condition discovered in the course of the vision testing. It
8 is the intent of the Legislature that no licensed
9 optometrist use voluntary vision testing programs for the
10 generation of referrals or for financial benefit. The
11 Legislature does not intend to deny freedom of choice in
12 the selection of an appropriate vision care provider for
13 treatment or consultation.

14 (d) Nothing in this section shall be construed as
15 prohibiting the solicitation of pupils of the public school
16 on school premises by pupils of that school for any
17 otherwise lawful purpose.

