



# State of Tennessee

## PUBLIC CHAPTER NO. 665

HOUSE BILL NO. 1469

By Representatives Travis, Hardaway, Moody, Byrd, Keisling, Windle, Terry

Substituted for: Senate Bill No. 1567

By Senator Yager

AN ACT to amend Tennessee Code Annotated, Title 63, relative to previously owned eyeglasses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 7, is amended by adding the following as a new section:

63-6-711.

(a) Subject to the requirements of subsection (b), none of the following shall be civilly liable for any damages arising out of dispensing previously owned eyeglasses to a person:

(1) A sponsoring organization;

(2) A free clinic and any optometrist, ophthalmologist, or dispensing optician providing services at the free clinic; or

(3) Any organization that provides previously owned eyeglasses to a sponsoring organization or a free clinic free of charge and that is exempt from federal taxation under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3) and (4)).

(b) In order for the immunity conferred by subsection (a) to apply:

(1) The person to whom the previously owned eyeglasses are dispensed must be fourteen (14) years of age or older;

(2) The previously owned eyeglasses must be dispensed without charge; and

(3) Before the previously owned eyeglasses are dispensed, a licensed optometrist or ophthalmologist shall have:

(A) Personally examined the recipient of the eyeglasses and issued a prescription for the eyeglasses; or

(B) Personally consulted with the licensed optometrist or ophthalmologist who issued a prescription for the eyeglasses.

(c) The previously owned eyeglasses may be dispensed by an optometrist or ophthalmologist or a dispensing optician working with the optometrist or ophthalmologist.

(d) The immunity conferred by this section shall not apply if the organization or person granted immunity engages in grossly negligent or willful and wanton misconduct in dispensing the previously owned eyeglasses.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

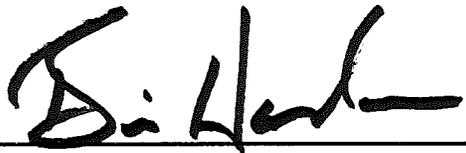
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PASSED: March 17, 2016

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 31<sup>st</sup> day of March 2016

  
BILL HASLAM, GOVERNOR