

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amendment)

40 KAR 12:600. Nonresident sellers of contact lenses ~~{Contact lens seller annual registration and verification requirements}.~~

RELATES TO: KRS 367.680, 367.681, 367.683, 367.685, 367.686, 367.687, 367.688
367.689~~[367.690]~~

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.688, 367.689

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations which will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to promulgate administrative regulations in the consumers' interest. KRS 367.687 and KRS 367.688 require the Attorney General to provide for annual registrations of all nonresident sellers of contact lenses. KRS 367.688 requires the Attorney General to charge fees for registrations and investigations of nonresident sellers of contact lenses. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to nonresident sellers of contact lenses. This administrative regulation establishes the online registration application and registration renewal application to be used by nonresident sellers of lenses and establishes annual registration fees and investigation fees.~~[by law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to promulgate administrative regulations in the consumers' interest. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to the sale of contact lenses. KRS 367.688 requires the Attorney General to charge a fee for investigation and registration of nonresident dispensers of contact lenses. This administrative regulation establishes requirements for a mail order contact lens seller annual registration form required by KRS 367.687.]~~

Section 1. ~~{Definitions.}~~

~~{(1)} ["Applicant" means a person located outside Kentucky desiring to ship, mail, deliver, or sell contact lenses to a patient at a Kentucky address.]~~

~~{(2)} ["Date of authorization" means the date on which a contact lens prescription is completed, as referenced in KRS 367.685.]~~

~~{(3)} ["Dispensing facility" means the building or structure from which contact lens orders are shipped.]~~

~~{(4)} ["Response time options" means requests for contact lens prescription verification in which the requestor expressly or implicitly states that the failure of the prescribing optometrist, osteopath, or physician to respond to the request within the time frame or in the manner stated in the request constitutes a verification of the prescription].~~

~~{Section 2.} Nonresident Seller of Contact Lenses~~[Lens Seller Annual]~~ Registration Application~~[Form]~~.~~

(1) A nonresident seller shall not sell contact lenses to Commonwealth of Kentucky residents unless the Attorney General approves the nonresident seller's online registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the "Nonresident Seller of Contact Lenses

registration application portal" available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(2) When submitting an online application, an applicant shall submit:

- (a) Payment of the \$500.00 annual registration fee;
- (b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and
- (c) A copy of the applicant's registration/license from the state where applicant's dispensing facility is located.

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny an application if an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents. [The Contact Lens Seller Annual Registration Form, CLS-1, shall contain the following information:]

~~[(1)] [In accordance with KRS 367.687(1), a certification by the applicant that the applicant is licensed or registered to distribute contact lenses in the state in which the dispensing facility is located and from which the contact lenses are dispensed, including the date of licensure, the expiration date, if any, and the name and address of the licensing or registering agency.]~~

~~[(2)] [The business names, titles, and addresses required by KRS 367.687(2).]~~

~~[(3)] [A certification by the applicant containing the information required by KRS 367.687(3).]~~

~~[(4)] [If any owner, partner, corporate officer, or person responsible for overseeing the dispensing of contact lenses has been the subject of civil or criminal action by an agency in any state which regulates the sale or dispensing of contact lenses, this information shall be disclosed on the application.]~~

~~[(5)] [A certification by the applicant that they shall respond to all requests for information from the Attorney General in accordance with KRS 367.687(4).]~~

~~[(6)] [A certification by the applicant that they shall maintain records of contact lenses dispensed to residents of the Commonwealth of Kentucky in accordance with KRS 367.687(5).]~~

~~[(7)] [The toll-free telephone number and certification required by KRS 367.687(6).]~~

~~[(8)] [The toll-free telephone number required by KRS 367.687(7).]~~

~~[(9)] [A certification by the applicant that the notification required by KRS 367.687(8) will be sent to the patient whenever contact lenses are supplied.]~~

~~[(10)] [The certification required by KRS 367.687(9).]~~

Section 2. Annual Registration and Investigation Fee.

~~[(11)] [An] The annual registration and investigation fee for a nonresident seller of contact lenses shall be \$500.00~~[of \$300 enclosed with each registration in the form of a check made payable to "Kentucky State Treasury".]~~~~

~~[(12)] [The signature of the applicant or a person authorized to sign on behalf of the applicant. The signature shall constitute a certification that the statements contained in the application are true and correct].~~

Section 3. Nonresident Seller of Contact Lenses Renewal Application.

(1) An approved nonresident seller of contact lenses registration or renewal shall be valid for one (1) year from the date of written confirmation of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current registration, a registered nonresident seller of contact lenses may renew its registration. Registration renewal shall

be accomplished by submitting an online renewal application using the "Nonresident Seller of Contact Lenses Renewal Application portal" available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(3) When submitting an online renewal application, each registrant shall submit payment of the \$500.00 annual registration fee.

(4)

(a) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny a renewal application if the registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested information or documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against a registrant.

Section 4. Written notification of material changes. A registered nonresident seller of contact lenses shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, or application attachments.

Section 5. Record Requests. A nonresident seller of contact lenses shall make requested business records and documents related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request. ~~[The Attorney General may charge a fee for investigation of nonresident dispensers of contact lenses based on reasonable expenses incurred during the investigation process, in accordance with KRS 367.688.]~~

~~[Section 4.] [Response time Options.]~~

~~[(1)] [Response time options are prohibited and shall not constitute verification of a contact lens prescription, in accordance with KRS 367.683(2)(f).]~~

~~[(2)] [A mail order contact lens seller shall verify a contact lens prescription through one of the methods provided in KRS 367.683(1).]~~

Section 6. ~~[Section 5.] [Providing and]~~ Verifying Prescriptions. If a registered nonresident seller of contact lenses requests verification of a contact lenses prescription, a patient's prescribing optometrist, osteopath or physician shall verify a contact lenses prescription through telephone, electronic mail, computer or phone messaging, or other electronic or digital means.

~~[(1)] [In compliance with KRS 367.685, upon completion of a contact lens fitting a patient shall be entitled to receive a complete copy of the contact lens prescription until its expiration date.]~~

~~[(2)] [In compliance with KRS 367.683, a patient's prescribing optometrist, osteopath or physician shall, through electronic or oral affirmative communication, verify a contact lens prescription submitted by a contact lens seller designated to act on behalf of that patient.]~~

Section 7. ~~[Section 6.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference: ~~[The "Contact Lens Seller Annual Registration Form", CLS-1, 2003, is incorporated by reference.]~~

(a) "Nonresident Seller of Contact Lenses Registration application portal," Feb. 2026,

(b) "Nonresident Seller of Contact Lenses Renewal application portal," Feb. 2026;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East,~~[Consumer Protection~~

~~Division,~~ 1024 Capital Drive, Suite 200, Frankfort, Kentucky 40602, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Office's website, <https://ag.ky.gov/Pages/default.aspx>.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: February 20, 2026

FILED WITH LRC: February 24, 2026 at 1:04 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 21, 2026, at 2:00 p.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the Attorney General in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress

Subject Headings: Attorney General; Occupations and Professions; and Visual Impairment

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes an online registration application and online renewal application and an annual registration and investigation fee relating to nonresident sellers of contact lenses.

(b) The necessity of this administrative regulation:

This regulation is necessary because it allows the Office of Attorney General ("Attorney General") to perform its statutory mandates.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.686 and 367.688 require the Attorney General to provide for annual registrations of all nonresident sellers of contact lenses. KRS 367.688 requires the Attorney General to establish an investigation and registration fee for nonresident sellers of contact lenses. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to nonresident sellers of contact lenses.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes an online registration application, an online registration renewal application, an online payment process and the annual registration and investigation fee relating to nonresident sellers of contact lenses.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment makes changes to comply with KRS Chapter 13A drafting requirements. The amendment provides for an online registration application, an online registration renewal application and online payment processes. The amendment removes unnecessary language from the regulation as duplicative and already incorporated into the online applications. The amendment increases the annual registration fee for nonresident sellers of contact lenses from \$300 to \$500.00, the same registration fee for nonresident sellers of visual aide glasses.

(b) The necessity of the amendment to this administrative regulation:

The Attorney General needs to update regulations to conform to KRS Chapter 13A drafting requirements. The Attorney General needs to update the regulation to remove unnecessary language. The Attorney General needs to modernize application and payment processes by providing for online processes. The annual registration fee needs to be increased to reflect increased staff processing costs and be consistent

with the nonresident sellers of visual aid glasses registration fee. The current registration fee has remained the same for twenty-three (23) years.

(c) How the amendment conforms to the content of the authorizing statutes:

As previously explained, KRS 15.180, 367.150(4), 367.687, 367.688, and 367.689 authorize the administrative regulation amendments.

(d) How the amendment will assist in the effective administration of the statutes:

The regulation amendments will cause the regulation to conform to KRS Chapter 13A drafting requirements. The regulation amendments will provide online application and payment processes for regulated entities.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation amendment will affect new applicants, approximately fifteen (15) registered nonresident sellers of contact lenses and the Attorney General.

(5) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

Applicants and nonresident sellers of contact lenses will be required to use the new online registration and renewal processes adopted in the regulation amendment. The Attorney General will review completed online forms for compliance with law.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

Applicants and nonresident sellers of contact lenses will have an additional annual registration cost of \$200.00. The Attorney General will incur no additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

It is intended that the online processes adopted by the regulation amendments will make it easier for applicants and regulated entities to apply for registration, renew registrations and pay registration fees. The Attorney General will be able to process registrations and renewals without difficulty.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There are no costs to implement this administrative regulation.

(b) On a continuing basis:

There are no continuing costs to implement this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

There are no costs associated with implementing this administrative regulation. Enforcement costs, if any, would be minimal and would be absorbed into regular

employee duties.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There is no anticipated increase in fees or funding necessary to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

No. This administrative regulation amendment applies equally to all nonresident sellers of contact lenses.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 15.180, 367.150(4), 367.686, 367.688, and 367.689 authorize the regulation amendment.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This administrative regulation is expressly authorized by 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 2003 Ky. Acts ch. 1, sec. 10.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division in (3)(a):

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: There are no expenditures to administer this administrative regulation for the first year.

For subsequent years: There will be no expenditures to administer the administrative regulation in subsequent years.

2. Revenues:

For the first year: The administrative regulation will generate approximately \$3,000.00 additional registration fees to the Attorney General for the first year.

For subsequent years: The administrative regulation will generate The administrative regulation will generate approximately \$3,000.00 additional annual registration fees to the Attorney General in subsequent years.

3. Cost Savings:

For the first year: In the first year, the Attorney General will have cost savings through adopted online processes in the regulation amendment which are difficult to estimate at this time but estimated to be de minimis.

For subsequent years: In subsequent years, the Attorney General will have cost savings through adopted online processes in the regulation amendment which are difficult to estimate at this time but estimated to be de minimis.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

The administrative regulation will not affect any local entities.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: This administrative regulation will not cause expenditures by local entities for the first year.

For subsequent years:This administrative regulation will not cause expenditures by local entities in subsequent years.

2. Revenues:

For the first year:Local entities will receive no revenues from this administrative regulation for the first year.

For subsequent years:Local entities will receive no revenues from this administrative regulation in subsequent years.

3. Cost Savings:

For the first year:Local entities will receive no cost savings from this administrative regulation for the first year.

For subsequent years:Local entities will receive no cost savings from this administrative regulation for subsequent years.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

Nonresident sellers of visual aid glasses will be affected by this administrative regulation.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:This administrative regulation will cause an applicant and nonresident seller of contact lenses to have an additional expenditure of \$200.00 for the first year.

For subsequent years:This administrative regulation will cause an applicant and nonresident seller of contact lenses to have an additional expenditure of \$200.00 in subsequent years.

2. Revenues:

For the first year:Nonresident sellers of contact lenses will not receive any revenues directly from this administrative regulation for the first year.

For subsequent years:Nonresident sellers of contact lenses will not receive any revenues directly from this administrative regulation in subsequent years.

3. Cost Savings:

For the first year:For the first year, nonresident sellers of contact lenses will receive cost savings through the adopted online processes in the regulation amendment, which are difficult to estimate at this time but estimated to be de minimis.

For subsequent years:For subsequent years, nonresident sellers of contact lenses will receive cost savings from the adopted online processes in this regulation amendment, which are difficult to estimate at this time but estimated to be de minimis.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

This administrative regulation will have no fiscal impact. The new regulation adopts an online registration application, an online renewal application, and online payment process for nonresident sellers of contact lenses. The regulation does not affect any

other governmental agencies or local governments. The regulation increases the 23-year-old annual registration fee by only \$200.00. For these reasons, the regulation is not expected to have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion:

The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources to determine the fiscal impact.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.

(b) The methodology and resources used to reach this conclusion:

The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources to reach the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.