OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amended at ARRS Committee)

40 KAR 12:600. Nonresident sellers of contact lenses.

RELATES TO: KRS 367.680, 367.681, 367.683, 367.685, 367.686, 367.687, 367.688, 367.689

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 that 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 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.

Section 1. .Nonresident Seller of Contact Lenses Registration Application.

(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) To complete 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 or 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.

Section 2. Annual Registration and Investigation Fee.The annual registration and investigation fee for a nonresident seller of contact lenses shall be $500.00.

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) To complete 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.

Section 6. 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.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

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

(b) "Nonresident Seller of Contact Lenses Renewal Application," 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, 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.

(040 KAR 002:340. 30 Ky.R. 504, 1203; eff. 12-5-2003; Crt eff. 2-21-2020; Recodified as 040 KAR 012:600; eff. 7-18-2025; 52 Ky.R. 1730; 53 Ky.R. 196; eff. 11-2-2026.)

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