

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

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 ~~that~~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 ~~f--~~ 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 ~~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 or license* ~~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 ~~f--f~~ Nonresident Seller of Contact Lenses Renewal Application portal ~~f--f~~ available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(3) ~~To complete~~ ~~f-When submitting-f~~ 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 ~~f-portal-f~~," Feb. 2026,

(b) "Nonresident Seller of Contact Lenses Renewal Application ~~f-portal-f~~," 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>.

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