



North Carolina State Board of Opticians

Sue M. Hodgins
Director

P.O. Box 6758
Raleigh, NC 27628-6758

Phone: (919) 420-1390
Fax: (919) 420-1361

November 30, 2018

Via email only

Jt. Legislative Administrative Procedure Oversight Committee
Rep. Jonathan Jordan, Co-Chair - Jonathan.Jordan@ncleg.net
Sen. Andy Wells, Co-Chair - Andy.Wells@ncleg.net

Jt. Legislative Oversight Committee on Justice and Public Safety
Rep. James L. Boles, Jr., Co-Chair - Jamie.Boles@ncleg.net
Rep. Ted Davis, Jr., Co-Chair - Ted.Davis@ncleg.net
Sen. Shirley B. Randleman, Co-Chair - Shirley.Randleman@ncleg.net

Re: Report pursuant to S.L. 2018-69
North Carolina State Board of Opticians

Dear Committee Co-Chairs:

Pursuant to Session Law 2018-69 titled "An Act to Assist the Criminal Law Recodification Working Group," the North Carolina State Board of Opticians ("Board") is providing you with information regarding all crimes defined by the Board. The Board's practice act can be found in Article 17 of Chapter 90 of the North Carolina General Statutes, specifically §§90-234 through 90-255.1.

The only references to criminal conduct in the Board's practice act, which was enacted by the N.C. General Assembly in 1951, are found in N.C. Gen. Stat. §§ 90-251, 90-252, and 90-255.1 as follows:

N.C. Gen. Stat. § 90-251

Each licensee licensed under the provisions of this Article who shall rent, loan or allow the use of his registration certificate or license to an unlicensed person for any unlawful use shall be guilty of a Class 1 misdemeanor.

N.C. Gen. Stat. § 90-252

Any person, firm or corporation owning, managing or conducting a store, shop or place of business and not having in its employ and on duty, during all hours in which acts constituting the business of opticianry are carried on, a licensed dispensing optician engaged in supervision of such store, office, place of business or optical establishment, or representing to the public, by means of advertisement or otherwise or by using the words,

Letter to JLAPO and JLOCJPS
Re: Criminal Activity Defined by Board
November 30, 2018
Page Two

“optician, licensed optician, optical establishment, optical office, ophthalmic dispenser, or any combination of such terms within or without such store representing that the same is a legally established optical place of business duly licensed as such and managed or conducted by persons holding a dispensing optician's license, when in fact such permit is not held by such person, firm or corporation, or by some person employed by such person, firm or corporation and on the premises and in charge of such optical business, shall be guilty of a Class 1 misdemeanor.

N.C. Gen. Stat. § 90-255.1

No person shall distribute, sell, exchange or deliver, or have in his possession with intent to distribute, sell, exchange or deliver any eyeglass frame or sunglass frame which contains any form of cellulose nitrate or other highly flammable materials. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

The full text of Article 17 of Chapter 90 can be found at the following link:

https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_90/Article_17.html.

The full text of the Board's rules can be found at the following link:

<http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2040%20-%20opticians/chapter%2040%20rules.pdf>

If you require further information from the Board, please do not hesitate to contact me at (919) 420-1390 or shodgin@ncopticiansboard.org.

Sincerely,

NORTH CAROLINA STATE BOARD OF OPTICIANS

Sue M. Hodgín

Sue Hodgín
Executive Director

cc: Susan L. Sitze, staff attorney (Susan.sitze@ncleg.net)
Jeremy Ray (Jeremy.Ray@ncleg.net)