



2018 FACT SHEET  
**SQ 793: ALLOW OPTOMETRISTS &  
OPTICIANS TO OPERATE IN RETAIL STORES**

UPDATED: 9/10/18

## THE GIST

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State Question 793 would amend the Oklahoma Constitution to allow optometrists and opticians to operate within retail establishments.

It would also prohibit the Legislature from enacting laws that discriminate against optometrists and opticians based on where they practice, or laws infringing the ability of eye clinics located in retail establishments to sell prescribed optometry goods and services.

SQ 793 would allow the Legislature to prevent optometrists from performing surgery (laser or otherwise) in eye clinics located in retail establishments, and it would allow the Legislature to limit the number of locations in which a single optometrist may practice. It would allow optometrists and opticians working in retail establishments to limit their scope of practice.

It would also allow the Legislature to maintain optometry licenses, require eye clinics to be in a separate room in retail establishments, and impose health and safety standards.

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## BACKGROUND INFORMATION

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State law currently bans eye clinics from operating inside retail establishments. If SQ 793 passes, Oklahoma would join 47 other states in allowing glasses to be sold in stores like Wal-Mart and Cotsco, and 34 other states in allowing an optometrist's clinic to be located within and considered part of a retail establishment.

Advocacy groups in favor of changing the law have attempted to change the law through the legislative process in previous years but have been unsuccessful.

Oklahomans for Consumer Freedom, the group that filed the initiative petition to put SQ 793 on the ballot, gathered more than 255,000 signatures, substantially more than the 123,725 necessary.

The state Supreme Court threw out a challenge from the Oklahoma Association of Optometric Physicians asserting that the measure violated Oklahoma's single-subject rule.

...OVER

## SUPPORTERS SAY...



Being able to visit the optometrist where Oklahomans do the rest of their shopping will lead to more choices and convenience for consumers.



Increasing competition will drive prices down, which is good for consumers.



Forty-seven other states allow for retail optometry. Oklahoma is limiting business opportunities by not allowing it.

## OPPONENTS SAY...



Smaller, independent optometrists will be driven out of the market. With their competition gone, this will leave big-box retailers free to raise their prices.



Allowing large chain retailers to limit what services optometrists provide will result in substandard patient care.



Putting retail optometry in the Oklahoma Constitution will limit the Legislature's ability to make changes if there are unanticipated consequences.

## BALLOT LANGUAGE

“ This measure adds a new Section 3 to Article 20 of the Oklahoma Constitution. Under the new Section, no law shall infringe on optometrists' or opticians' ability to practice within a retail mercantile establishment, discriminate against optometrists or opticians based on the location of their practice, or require external entrances for optometric offices within retail mercantile establishments. No law shall infringe on retail mercantile establishments' ability to sell prescription optical goods and services.

The Section allows the Legislature to restrict optometrists from performing surgeries within retail mercantile establishments, limit the number of locations at which an optometrist may practice, maintain optometric licensing requirements, require optometric offices to be in a separate room of a retail establishment, and impose health and safety standards. It does not prohibit optometrists and opticians from agreeing with retail mercantile establishments to limit their practice. Laws conflicting with this section are void.

The Section defines 'laws,' 'optometrist,' 'optician,' 'optical goods and services,' and 'retail mercantile establishment.'”