

January 30, 1963.
Judiciary 2. 2/14

House File 115
By NELSON, SWISHER, PARKER,
CUNNINGHAM and PETERSEN of Dallas.

Passed House, Date 5-6-63
Vote: Ayes 77 Nays 17
Approved.....
Passed Senate, Date.....
Vote: Ayes..... Nays.....

*Motion to reconsider
5/7
Sifting committee 5/9*

A BILL FOR

An Act relating to bait advertising in the field of corrective eyeglasses, their components, and related services.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Chapter one hundred fifty-four (154),
2 Code 1962, is amended by adding the following:
3 "It shall be unlawful for any person, firm, or
4 corporation to offer any gift or premium or discount
5 in any form or manner in conjunction with the sale of
6 prescription glasses, corrective glasses, or components
7 thereof, or optometric services in order to secure
8 patronage; or to advertise, either directly or
9 indirectly, by any means whatsoever any definite or
10 indefinite prices on prescriptive or corrective glasses,
11 or components thereof, or any other optometric service;
12 to advertise in any manner that will tend to mislead or
13 deceive the public; to solicit optometric patronage by
14 advertising that he or some other person or group of
15 persons possess better qualifications or are best
16 trained to perform the service pursuant to such
17 advertising; to solicit optometric patronage by the
18 advertising or offering of 'free examination',
19 'consultation without obligation', or words of similar

20 import.

21 This Act shall not prohibit the advertising of the
22 practice of optometry by a registered optometrist.

23 The exemptions accorded physicians and surgeons and
24 others from the provisions of this chapter shall not
25 apply to this Act.

1 Sec. 2. Chapter one hundred fifty-four (154), Code
2 1962, is further amended by adding the following:

3 "Nothing in this chapter shall be construed to prevent
4 the sale of toy glasses, goggles or sunglasses consisting
5 of plano white or plano colored glasses, or ready-made
6 nonprescription glasses when the sale of these glasses is
7 incidental to the sale of other merchandise.

1 Sec. 3. Chapter one hundred fifty-four (154), Code
2 1962, is further amended by adding the following:

3 "Anyone found guilty of violating the provisions of
4 this chapter shall be deemed guilty of a misdemeanor and,
5 upon conviction thereof, shall be punished by a fine of
6 not more than five hundred dollars (\$500.00) or by
7 imprisonment of not more than six months in the county
8 jail."

EXPLANATION OF HOUSE FILE 115

This is an act to eliminate bait advertising in the field of corrective vision care which is so important to the public welfare. It does not prohibit all advertising, just "bait" advertising. The state department of health states that almost every complaint they receive from citizens relating to the area of corrective eye care originates with and as a result of bait advertising. This act will eliminate bait advertising in this field and help to insure proper vision care for the citizens of the state.

HOUSE FILE 115

- 1 Amend the amendment to House File 115 as follows:
- 2 1. By striking all after the word "patronage" in line
- 3 nine (9).
- 4 2. By striking all of lines ten (10), eleven (11), and
- 5 twelve (12).
- 6 3. By striking the words "ophthalmic service; to
- 7 advertise", in line thirteen (13).

Filed
March 11, 1963.

5/6/63
REPERT of Polk.

HOUSE FILE 115

- 1 Amend House File 115 as follows:
- 2 1. By striking all of line eight (8) after the word
- 3 "patronage", and all of lines nine (9), ten (10), and
- 4 eleven (11).
- 5 2. By striking the words "to advertise" in line twelve
- 6 (12).

Filed
March 11, 1963.

Revised
5/6
REPERT of Polk.

HOUSE FILE 115

- 1 Amend House File 115 as follows:
- 2 Amend the Nelson amendment to House File 115
- 3 as follows: By striking in line 19, the words,
- 4 "or offering".

Filed and adopted
May 6, 1963.

MILLER of Des Moines.

HOUSE FILE 115

- 1 Amend House File 115 by striking all after the enacting
- 2 clause and substituting in lieu thereof the following:
- 3 Section 1. Chapter one hundred forty-seven (147), Code
- 4 1962, is amended by adding the following:
- 5 "Any person, firm or corporation, who offers for sale prescription
- 6 glasses, corrective glasses or components thereof, or optometric
- 7 or ophthalmic services by making, publishing, disseminating,
- 8 circulating or placing before the general public within the
- 9 state in a newspaper or other publication, or by radio
- 10 broadcast, television or telephone, or in the form of a
- 11 book, notice, handbill, poster, bill circular, pamphlet or
- 12 letter, or in any other way, an advertisement describing such
- 13 merchandise or services, as part of a plan or scheme with the
- 14 intent not to sell such merchandise or services so advertised
- 15 at the price stated therein, or with intent not to sell such
- 16 merchandise, or services so advertised, or with the intent of
- 17 attracting customers so that similar merchandise, commodities or
- 18 services may be sold to said customers at a higher price than
- 19 advertised, or to advertise such merchandise, commodities or
- 20 services without stating in said advertisement what other acts,
- 21 payments or conditions precedent are necessary by the consumer
- 22 before said consumer can purchase such merchandise, commodities or
- 23 services, is
- 24 guilty of a misdemeanor and upon conviction shall be punished by
- 25 a fine of not less than ten (10) nor more than five hundred
- 26 dollars (\$500.00). Provided, however, that nothing herein shall
- 27 apply to the owner, publisher, printer, agent or employee of a
- 28 newspaper or other publication, periodical or circular, or of any
- 29 radio station or television station, who in good faith, and
- 30 without any knowledge of such plan or scheme, publishes, causes
- 31 to be published or takes part in the publication of such
- 32 advertisements; provided, further, that with respect to the use
- 33 of a telephone by subscribers or users, nothing herein shall
- 34 apply to any person, firm or corporation providing telephone
- service as a public utility.

Filed and lost
May 6, 1963.

REPERT of Polk.