

chapter O-6

DISPENSING OPTICIANS ACT



The Minister Responsible for Government Administration and Chair of the Conseil du trésor is responsible for the administration of this Act. Order in Council 1638-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6513.

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DIVISION I

DEFINITIONS

1. In this Act and the regulations made thereunder, unless the context indicates a different meaning, the following terms mean:

(a) “Order” : the Ordre des opticiens d’ordonnances du Québec constituted by this Act;

(b) “board of directors” : the board of directors of the Order;

(c) “dispensing optician” or “member of the Order” : any person entered on the roll;

(d) (*paragraph repealed*);

(e) “roll” : the list of the members in good standing of the Order prepared in accordance with the Professional Code (chapter C-26) and this Act;

(f) “ophthalmic lens” : any spherical, cylindrical or prismatic lens to aid vision.

1973, c. 53, s. 1; 1974, c. 65, s. 90; 1977, c. 5, s. 229; 1994, c. 40, s. 409; 2008, c. 11, s. 212.

DIVISION II

ORDRE DES OPTICIENS D’ORDONNANCES DU QUÉBEC

2. All the dispensing opticians qualified to practise the profession of dispensing optician in Québec constitute a professional order called the “Ordre professionnel des opticiens d’ordonnances du Québec” or the “Ordre des opticiens d’ordonnances du Québec”.

1973, c. 53, s. 2; 1977, c. 5, s. 229; 1994, c. 40, s. 410.

3. Subject to the provisions of this Act, the Order and its members shall be governed by the Professional Code (chapter C-26).

1973, c. 53, s. 3.

4. The head office of the Order shall be at Montréal or at any other place in Québec determined by regulation of the board of directors adopted pursuant to paragraph *f* of section 93 of the Professional Code (chapter C-26).

1973, c. 53, s. 4; 1994, c. 40, s. 411; 2008, c. 11, s. 212.

5. Every proceeding directed against the Order must be served upon the secretary or one of his assistants at the head office of the Order.

1973, c. 53, s. 5; 1999, c. 40, s. 199.

DIVISION III

THE BOARD OF DIRECTORS

2008, c. 11, s. 212.

6. The Order shall be governed by a board of directors established in accordance with the Professional Code (chapter C-26).

1973, c. 53, s. 6; 2008, c. 11, s. 212.

7. *(Repealed).*

1973, c. 53, s. 7; 1994, c. 40, s. 412.

DIVISION IV

PRACTICE OF THE PROFESSION

8. Every act which has as its object the fitting, adjusting, replacement or sale of any ophthalmic lens constitutes the practice of the profession of dispensing optician.

1973, c. 53, s. 8.

9. A dispensing optician shall only perform the acts described in section 8 upon the prescription of a physician or optometrist, or when a broken ophthalmic lens is presented for replacement, or when an ophthalmic lens duly obtained on a prescription is presented by a client who wishes to obtain a duplicate lens.

1973, c. 53, s. 9.

10. *(Repealed).*

1973, c. 53, s. 10; 1994, c. 40, s. 412.

11. *(Repealed).*

1973, c. 53, s. 11; 1994, c. 40, s. 412.

12. No person may practise the profession of dispensing optician under a name other than his own.

Nevertheless, dispensing opticians shall be allowed to practise their profession under the name of one or two or more of the partners. The name of any partner who has ceased to practise his profession may appear in the name for a period of not more than three years from the date he ceased to practise, provided his name appeared in the name at the time he ceased to practise.

1973, c. 53, s. 12; 1989, c. 34, s. 1.

13. Nothing in this Act shall prevent dispensing opticians from practising their profession through a legal person, provided that legal person permanently employs a dispensing optician and existed before 14 June 1940 as a dispensing optician.

1973, c. 53, s. 13; 1999, c. 40, s. 199.

14. A dispensing optician shall not, respecting the practice of his profession, designate himself as other than a dispensing optician or optician.

He shall not be authorized to call himself a specialist or indicate a speciality or particular training.

1973, c. 53, s. 14; 1990, c. 40, s. 1; 2000, c. 13, s. 77.

DIVISION V

ILLEGAL PRACTICE OF THE PROFESSION

15. Subject to the rights and privileges expressly granted by law to other professionals, no person may perform any of the acts described in section 8 unless he is a dispensing optician.

Nothing in the first paragraph shall prevent a person from selling ready-to-wear reading glasses having single vision spherical lenses only, of identical power in both lenses of between + 0.50 and + 3.25 dioptres.

The first paragraph shall not apply to acts performed:

(a) by a retailer who before 1 December 1971 operated an optical department managed by an optometrist, as long as that retailer continues to operate that department under the management of an optometrist or a dispensing optician acting on physicians' or optometrists' prescriptions;

(b) by any natural person who, before 1 December 1971, was performing such acts in a local municipal territory in which or within a radius of 40 km from which there was no dispensing optician or optometrist, as long as there is no dispensing optician or optometrist in that territory or within a radius of 40 km from that territory;

(c) by any natural person who, before 1 April 1961, was engaged in the occupation of fitting contact lenses and who fits such lenses under the supervision of a physician or optometrist;

(d) by any person in accordance with the provisions of a regulation adopted pursuant to paragraph *h* of section 94 of the Professional Code (chapter C-26).

1973, c. 53, s. 15; 1984, c. 47, s. 213; 1994, c. 40, s. 413; 1996, c. 2, s. 746; 1999, c. 40, s. 199; 2000, c. 13, s. 78.

16. Every person who contravenes section 15 is liable, for each offence, to the penalties provided in section 188 of the Professional Code (chapter C-26).

1973, c. 53, s. 16.

17. Nothing in this Act or in the regulations the board of directors may adopt shall prohibit wholesale trade in eye-glasses or other ophthalmic lenses, or unrestricted trade in artificial eyes, binoculars, telescopes, safety glasses for industrial purposes, coloured glasses without ophthalmic lenses, or magnifying glasses not intended to relieve or correct defective vision.

1973, c. 53, s. 17; 2008, c. 11, s. 212.

18. Nothing in this Act shall authorize the Order to regulate or control the price of eye-glasses or other ophthalmic lenses, or conditions of payment.

1973, c. 53, s. 18.

DIVISION VI



This Division ceased to have effect on 17 April 1987.

19. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 53 of the statutes of 1973, in force on 31 December 1977, is repealed, except sections 19 to 26 and 28, effective from the coming into force of chapter O-6 of the Revised Statutes.

