



Texas Department of Health

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<http://www.tdh.state.tx.us/hcqs/plc/plcd.htm>

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NOTICE TO FLEA MARKET OWNERS AND OPERATORS REGARDING THE SALE OF CONTACT LENSES AT FLEA MARKETS

January 23, 2001

We are providing information to Texas flea market owners and operators regarding the sale of contact lenses at flea markets in an effort to inform Texas citizens about the health risks of buying and wearing contact lenses without medical supervision and about Texas law relating to the sale of contact lenses.

The sale of any type of contact lens at a flea market in this state is against the law, except in limited situations. A copy of Texas Business and Commerce Code, Section 35.55 (Sale of Items at Flea Market) is enclosed. Further, another state law (Occupations Code, Chapter 353, known as the Contact Lens Prescription Act) requires that any person or business that sells contact lenses (in any setting or establishment) must hold a permit to sell contacts and may only sell them to a customer who presents a prescription for contact lenses written by an eye doctor.

We have reports of illegal sales of colored, non-corrective contact lenses (commonly known as "cosmetic" contact lenses) at flea markets throughout Texas.

- C **All types of contact lenses are medical devices** which may be sold and dispensed only by an individual or a business authorized by law to dispense contact lenses.
- C **All types of contact lenses must be dispensed according to a prescription** from the physician or optometrist who examined and fitted the contact lenses to the person's eyes. The use of contact lenses (both corrective and non-corrective) involves possible risks to the health of a person's eyes. These risks are due to the fact that contact lens wearers are covering living tissue with a layer of plastic.
- C **It is important that any type of contact lens be worn only after an eye doctor's examination and fitting.** Risks associated with all contact lenses may include: bacterial infection, allergic reaction to lens coatings, insufficient oxygen to the cornea, mechanical abrasions due to the contact lens rubbing or pressing too firmly on the cornea, and corneal ulcer. These conditions, if not properly diagnosed and treated, could result in permanent eye damage.
- C **"Cosmetic" contact lenses may carry greater health risks** than corrective lenses, because they are worn to change the eye color as a statement of fashion or personal expression, not to improve vision. Frequently, wearers of these lenses overuse or misuse them and ignore possible health problems, since they think of the "cosmetic" lenses as one would think of clothing, makeup, or accessories.

In the interest of the health of your customers and fellow citizens, we ask that you inform all sellers at your flea market of these facts. Reports of contact lens sales at flea markets are referred to local police and sheriff's departments, along with a request that the law be enforced. Penalties under the law may include fines and criminal charges.

Please contact Stephen Mills, Program Administrator, Contact Lens Dispensing Permit Program at (512) 834-4515 if you have questions or comments concerning this notice.