

**HOUSE . . . . . No. 2305**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Jessica Ann Giannino, (BY REQUEST)*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to liability for optometrists and ophthalmologists for the negligent dilation of the pupils of a patient.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Donna Nugent</i>	<i>120 Conant Street, Revere MA 02151</i>	<i>2/10/2021</i>

**HOUSE . . . . . No. 2305**

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By Ms. Giannino of Revere (by request), a petition (accompanied by bill, House, No. 2305) of Donna Nugent relative to liability for optometrists and ophthalmologists. Public Health.

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The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act relative to liability for optometrists and ophthalmologists for the negligent dilation of the pupils of a patient.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 112 of the General Laws is hereby amended by inserting after  
2 section 12GG, as appearing in the 2018 Official Edition, the following section:-

3           Section 12HH. No ophthalmologist shall dilate the pupils of a patient if that  
4 ophthalmologist knows or has reason to know that the patient will operate a motor vehicle within  
5 the next 6 hours.

6           In any action for personal injuries, property damage or consequential damages caused by  
7 or arising out of the negligent dilation of the pupils of a patient by said ophthalmologist, no such  
8 patient who causes injuries to himself or herself, may maintain an action against the said  
9 ophthalmologist in the absence of willful, wanton or reckless conduct on the part of the  
10 ophthalmologist.

11           SECTION 2. Said chapter 112 is hereby further amended by inserting after section 66B,  
12 as so appearing, the following section:-

13           Section 66C. No registered optometrist, qualified by examination for practice pursuant to  
14 section 68, duly certified in accordance with the provisions of section 68B shall dilate the pupils  
15 of a patient if that optometrist knows or has reason to know that the patient will operate a motor  
16 vehicle within the next 6 hours.

17           In any action for personal injuries, property damage or consequential damages caused by  
18 or arising out of the negligent dilation of the pupils of a patient by said optometrist, no such  
19 patient who causes injuries to himself or herself, may maintain an action against the said  
20 optometrist in the absence of willful, wanton or reckless conduct on the part of the optometrist.