

PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

Assembly Committee on Judiciary

Assembly Bill 538

February 2, 2022

First of all, I would like to thank you, Chairman Tusler and committee members, for allowing me to testify before you concerning Assembly Bill 538 providing a liability exemption for the distribution of previously owned eyeglasses.

Every year the Lions Club, an international non-profit service organization, processes over 800,000 pairs of eyeglasses. At their facility, these glasses are sorted, cleaned, categorized, bagged, and boxed in preparation for shipment all over the world.

The Lions Club ships over 450,000 pairs of glasses annually to 49 developing countries. However, people in Wisconsin are often surprised to learn the Lions Club does not distribute any eyeglasses to people in our state. Why not? The short answer is "lawsuits." As one person put it, "when people in other parts of the world receive free eyeglasses, we receive a sincere thanks; however, in our country people are apt to sue, because we live in a litigious society."

In Wisconsin, nonprofit organizations such as the Lions Club can be held liable for processing and distributing previously owned eyeglasses that later cause harm to users. For that reason, non-profit groups do not distribute eyeglasses in the United States, except for Alaska, Arizona, and Oregon, which have passed legislation limiting liability.

For example, the State of Oregon changed its law following Hurricane Katrina so that its residents could donate eyeglasses to those affected by the natural disaster. The legislature unanimously approved it.

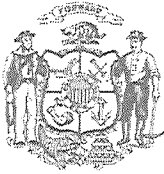
This bill creates an exemption from liability under the following circumstances:

- The recipient of the eyeglasses is at least 14 years old,
- The eyeglasses are provided free of charge, and
- The optometrist or ophthalmologist working for the nonprofit organization has either:
 - 1) Personally examined the person in need of the previously owned eyeglasses and issued a prescription for the eyeglasses.
 - 2) Personally consulted with a licensed optometrist or ophthalmologist who issued the prescription.

Thank you for considering this bill and giving me the opportunity to testify before you today. I would be happy to answer any questions.

Capitol Office: Post Office Box 8953 • Madison, WI 53708-8953

(608) 266-0315 • Toll-Free: (888) 529-0025 • Fax: (608) 282-3625 • **Email:** Rep.Tittl@legis.wi.gov



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Assembly Committee on Judiciary
State Senator André Jacque
February 2, 2022*

Chairman Tusler and Committee Members,

Thank you for holding this hearing on Assembly Bill 538, which will eliminate a key barrier to the provision of previously owned eyeglasses to those in need in our communities.

For the poor, eyeglasses can often be inaccessible, unaffordable or both, causing both social and economic challenges to learning, public safety and work opportunities. Every year the Lions Club processes over 800,000 pairs of eyeglasses. At their facility, these glasses are sorted, cleaned, categorized, bagged, and boxed in preparation for shipment all over the world. Over 450,000 pairs ship annually to 49 developing countries.

Currently, nonprofit organizations such as the Lions Club can be held liable for processing and distributing previously owned eyeglasses that later cause harm to users. This bill creates an exemption from liability for these organizations under the following circumstances:

- The recipient of the eyeglasses is at least 14 years old, and
- The eyeglasses are provided free of charge by the nonprofit organization, and
- The optometrist or ophthalmologist working for the nonprofit organization has either:
 - 1) Personally examined the person in need of the previously owned eyeglasses and issued a prescription for said eyeglasses.
 - 2) Personally consulted with a licensed optometrist or ophthalmologist who does not work for the nonprofit organization who issued the prescription.

This legislation is supported by the Wisconsin Optometric Association, Beyond Vision, and the Wisconsin Civil Justice Council, received bi-partisan support in passing in Senate committee, and has bi-partisan co-sponsorship.

Thank you for your consideration of Assembly Bill 538.