



## 2021 ASSEMBLY BILL 538

September 10, 2021 - Introduced by Representatives TITTL, ARMSTRONG, BRANDTJEN, CABRAL-GUEVARA, DITTRICH, EDMING, GUNDRUM, HORLACHER, MURSAU, ROZAR, SUBECK, THIESFELDT and KNODL, cosponsored by Senators JACQUE and BALLWEG. Referred to Committee on Judiciary.

1     **AN ACT to create** 895.508 of the statutes; **relating to:** liability exemption for the  
2           provision of previously owned eyeglasses.

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*Analysis by the Legislative Reference Bureau*

This bill establishes a liability exemption for charitable organizations for damages arising out of providing previously owned eyeglasses. For purposes of the bill, “charitable organizations” are certain organizations that are exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

Under the bill, a charitable organization is not liable for any damages arising out of providing previously owned eyeglasses to an individual if the recipient of the eyeglasses is at least 14 years old and the eyeglasses are provided without charge. The bill also requires that the eyeglasses be provided by a licensed optometrist or ophthalmologist who has either personally examined the individual who will receive the eyeglasses and issued a prescription for the eyeglasses or personally consulted with the licensed optometrist or ophthalmologist who issued the prescription for the eyeglasses.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 895.508 of the statutes is created to read:  
4           **895.508    Liability exemption; provision of previously owned**  
5           **eyeglasses.** (1) In this section, “charitable organization” means an organization

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1 described in section 501 (c) of the Internal Revenue Code and exempt from federal  
2 income tax under section 501 (a) of the Internal Revenue Code.

3 **(2)** A charitable organization is not liable for any damages arising out of  
4 providing previously owned eyeglasses to an individual if all of the following are true:

5 (a) The recipient of the eyeglasses is at least 14 years of age.

6 (b) The eyeglasses are provided without charge.

7 (c) For distribution of eyeglasses, the eyeglasses are provided by a licensed  
8 optometrist or ophthalmologist who has done any of the following:

9 1. Personally examined the individual who will receive the eyeglasses and  
10 issued a prescription for the eyeglasses.

11 2. Personally consulted with the licensed optometrist or ophthalmologist who  
12 issued the prescription for the eyeglasses.

13 **(END)**