§ 7106. Special provisions. 1. The testimony and reports of a licensed optometrist shall be received by any official, board, commission or other agency of the state or of any of its subdivisions or municipalities as qualified evidence with respect to any matter defined in section seventy-one hundred one of this article; and no official, board, commission, or other agency of the state or any of its subdivisions or municipalities shall discriminate among the practitioners of optometry and any other ocular practitioners.

2. Eyeglasses or lenses for the correction of vision or non-corrective contact lenses may be sold by any person, firm or corporation at retail, only on prescription of a licensed physician or licensed optometrist and only if a licensed physician, optometrist or ophthalmic dispenser is in charge of and in personal attendance at the place of sale. This article shall not apply to binoculars, telescopes, or other lenses used for simple magnification; except, that a seller of non-prescription ready-to-wear magnifying spectacles or glasses shall have the following language attached to each pair of glasses or spectacles displayed or offered for sale and in at least ten point bold type permanently affixed in plain view to the top of any point of sale display or, if there is no display, in the area of sale: "ATTENTION; READY-TO-WEAR NON-PRESCRIPTION GLASSES ARE NOT INTENDED TO REPLACE PRESCRIBED CORRECTIVE LENSES OR EXAMINATIONS BY AN EYE CARE PROFESSIONAL. CONTINUOUS EYE CHECK-UPS ARE NECESSARY TO DETERMINE YOUR EYE HEALTH STATUS AND VISION NEEDS." As used in this subdivision "non-prescription, ready to wear magnifying spectacles or glasses" means spherical convex lenses, uniform in each meridian, which are encased in eyeglass frames and intended to ameliorate the symptoms of presbyopia. The lenses in such glasses shall be of uniform focus power in each eye and shall not exceed 2.75 diopters.

3. It shall be a class A misdemeanor to practice any fraud, deceit or misrepresentation in any advertising related to optometric services.