



June 2019

## Referendum Sought on New Optometry Law

A new state law expanding what procedures optometrists can do for patients is being challenged through Arkansas' referendum process.

[Safe Surgery Arkansas](#) recently announced their intent to challenge [Act 579](#) of the 2019 Arkansas Legislative Session. The ballot issue group, formed by attorney Alex Gray, has until July 23 to collect just under 54,000 voter signatures to put the law on the 2020 ballot.

If the group is successful, voters will [decide](#) whether to keep the law or repeal the law.

The law amended three existing state laws regarding the scope of practice for optometrists. Specifically, the law amended the definition of "practice of optometry" and will allow optometrists to perform the following procedures:

- Injections, excluding intravenous or intraocular injections
- Incision and curettage of a chalazion
- Removal and biopsy of skin lesions with low risk of malignancy, excluding lesions involving the lid margin or nasal to the puncta
- Laser capsulotomy
- Laser trabeculoplasty

The law also tasked the State Board of Optometry to establish credentialing requirements to perform the above procedures, and added a reporting requirement for optometrists on the outcome of performed procedures.

Act 579 attracted a lot of debate at the Capitol during the session between ophthalmologists and optometrists.

Optometrists are eye doctors who earned a Doctor of Optometry degree. They examine eyes for vision problems and can prescribe glasses and contact lenses.

Ophthalmologists are medical doctors who are able to perform eye exams, treat diseases, prescribe medications and perform surgery. They have completed four years of medical school, a hospital internship and three-year surgical residency.

The new law has its supporters. [Arkansans for Healthy Eyes](#), led by Vicki Farmer of the Arkansas Optometric Association, formed its own ballot question group this week to support and keep Act 579.

In Arkansas, citizens have the ability to challenge new state laws through the referendum process. The Arkansas Constitution says signatures must be collected and submitted within 90 days of the end of the legislative session, which is July 23 this year.

Referendum campaigns must have voter signatures equaling 6 percent of the number of votes cast in the last governor's election, which would be 53,491. Campaigns tend to collect more than the required number to make up for any signatures declared invalid by election officials.

If successful, this referendum would be the first since 1994. Arkansans have voted in six referendums since 1952.

**Constitutional Amendments from the Legislature**



Arkansas senators and representatives put three constitutional amendments on the 2020 ballot for voters to decide.

Issue numbers haven't been assigned yet. We list them below in order of their approval.

We will publish our neutral voter guide on these proposed amendments along with any from the citizen-initiated process closer to Election Day 2020.

Check out our [website](#) for more information.

### **Continuing Sales Tax for Road Construction (HJR1018)**

An Amendment to the Arkansas Constitution Continuing a One-Half Percent (0.5%) Sales and Use Tax for State Highways and Bridges; County Roads, Bridges and Other Surface Transportation; and City Streets, Bridges, and Other Surface Transportation After the Retirement of the Bonds Authorized in Arkansas Constitution, Amendment 91.

[Read the full text of the proposal](#)

### **Changing Legislative Term Limits (SJR15)**

A Constitutional Amendment to Amend the Term Limits Applicable to Members of the General Assembly, to be Known as the "Arkansas Term Limits Amendment"

[Read the full text of the proposal](#)

### **Changing the Citizen-Initiated and Legislative Ballot Issue Process (HJR1008)**

A Constitutional Amendment To Amend The Process For The Submission, Challenge, And Approval Of Proposed Initiated Acts, Constitutional Amendments, And Referenda

[Read the full text of the proposal](#)

## **Ballot Proposals from the Public**



Arkansas is one of 15 states where citizens have the right to put a constitutional amendment or a state law on the ballot for voters to decide.

The initiative process includes filing a ballot title with the Secretary of State's office, collecting thousands of signatures from around the state, and submitting the signatures for verification.

New this year is a requirement for the Arkansas Election Commission to certify the ballot title. This takes place after signatures are verified by the Secretary of State.

Read more about this change in our [blog post](#).

### **Submitted to the Secretary of State**

Act 376 of 2019 requires ballot issue groups to submit a copy of their ballot title with the [Arkansas Secretary of State](#) before collecting signatures.

**March 14, 2019 - Arkansas Term Limits Amendment** - A proposal to lower the number of years state legislators can serve in office was submitted by a group known as Arkansas Term Limits BQC.

## Approved by the Attorney General

Before the passage of Act 376, the Arkansas Attorney General was required to certify ballot titles before groups could collect signatures. The Attorney General certified the ballot title of one proposed amendment for the 2020 election before the new law was introduced. It's not known how Act 376 affects that certification.

**Oct. 26, 2018 - An Amendment to Establish the Arkansas Citizens' Redistricting Commission-** A proposal seeking to change how Arkansas' congressional and state legislative districts are established was approved with a cautionary note that the proposal's subject matter was complex and far reaching, according to [Opinion No. 2018-135](#). This complexity could lead to a ballot title challenge, the opinion stated. David Couch of Little Rock submitted the measure.

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- Increase citizen knowledge, awareness and understanding of public issues;
- Enhance public participation in decisions regarding public issues, and
- Help citizens craft, evaluate and implement alternative solutions to public issues.

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