

# State of South Carolina

## Office of the Governor

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GOVERNOR

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June 4, 2008

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
Post Office Box 11867  
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4529, R-328.

This bill simply enumerates an appeals process for businesses or individuals cited for selling cosmetic contact lenses without a prescription.

We are vetoing this bill for several reasons.

The rights it intends to provide are already available to those who are fined under the current law. Rather than go through the lawmaking route, the Department of Consumer Affairs could easily specify the appeals process on the back of the citation summons. All this is a long way of saying that this bill does what current law already dictates, and, as such, is redundant and unnecessary.

As you may know, I vetoed the underlying law in 2005 because the penalty seemed excessive relative to the public health risk. That bill allowed the Department of Consumer Affairs to impose up to a \$5,000 fine on businesses or individuals who sell non-powered contact lenses without a prescription or are unlicensed in the field of optometry or ophthalmology. At the time, we compared the severity of the fine, up to \$5,000, to the \$25 fine enacted at about the same time for failure to wear a seatbelt.

Although we think it would be foolish to wear contact lenses without a doctor's prescription, at the end of the day, the choice to purchase cosmetic contact lenses at a flea market or out of the back of a pickup truck ought to be the decision of the individual – rather than yet another prohibition by government. We believe the lawmaking realm ought to be aimed at problems that are fundamentally public in nature. Given that our nation's framers' greatest value was this notion of freedom, we believe even the freedom to do things that are inherently stupid – like

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putting something in your eye without knowing its makeup or quality – should be preserved in our system. The key here is that you are putting the object into your own eye rather than someone else's and, accordingly, it ought to be the decision of the individual.

For the reasons stated above, I am vetoing H. 4529, R-328, and returning it to you without my signature.

Sincerely

A handwritten signature in black ink, appearing to be 'MS', with a horizontal line extending to the right.

Mark Sanford