



Ohio Legislative Service Commission

Bill Analysis

Amy J. Rinehart

H.B. 109

130th General Assembly
(As Introduced)

Reps. Damschroder, R. Adams, Ruhl, Stinziano, Brenner, Gonzales, Buchy, Maag

BILL SUMMARY

- Permits hearing aid dealers, hearing aid fitters, physicians, and audiologists to recommend and fit hearing aids.
- To be eligible to sell and distribute hearing aids, requires a dealer, fitter, physician, or audiologist to have a regular place of business located in Ohio.
- Prohibits a dealer, fitter, physician, or audiologist from selling or distributing a hearing aid to a consumer through the mail without a prior in-person evaluation.
- Prohibits other individuals from selling or distributing hearing aids to consumers through the mail.

CONTENT AND OPERATION

Individuals permitted to recommend and fit hearing aids

The bill permits all of the following individuals to recommend and fit hearing aids: (1) hearing aid dealers, (2) hearing aid fitters, (3) physicians, and (4) audiologists.¹

Under current law, hearing aid dealers and fitters are licensed by the Hearing Aid Dealers and Fitters Licensing Board.² Physicians, audiologists, and any person who measures human hearing for the purpose of selecting a hearing aid (as long as the

¹ R.C. 1345.30(B).

² R.C. Chapter 4747.

selection does not result in an actual sale of a hearing aid by that person) are exempt from licensure.³ All others are prohibited from selling or fitting hearing aids.⁴

Additionally, when a consumer enters into a consumer transaction with a hearing aid dealer, hearing aid fitter, physician, or audiologist, the law requires all of the following:

(1) That the dealer, fitter, physician, or audiologist must provide a refund to a consumer if a hearing aid is returned within 30 days after original delivery of the hearing aid;

(2) That the dealer, fitter, physician, or audiologist must provide the refund described above within 15 days of the hearing aid's return;

(3) That the dealer, fitter, physician, or audiologist must give a consumer who purchases a hearing aid written notice of the return policy described above.⁵

Sale and distribution of hearing aids

To be eligible to sell and distribute hearing aids, the bill requires a hearing aid dealer, hearing aid fitter, physician, or audiologist to have a regular place of business located in Ohio.⁶ "Regular place of business" is defined by the bill as a location at which an individual holds the individual's self out to be physically available to the consumer.⁷

Prohibitions

The bill prohibits an individual authorized to recommend or fit a hearing aid from selling or distributing one to a consumer through the mail without a prior in-person evaluation between the consumer and the individual. In addition, it prohibits other individuals from selling or distributing hearing aids to consumers through the mail at any time. The bill specifies that nothing is to be construed to prohibit the distribution of a repaired hearing aid to its owner by mail on completion of the repairs.⁸

³ R.C. 4747.15.

⁴ R.C. 4747.02

⁵ R.C. 1345.30(E) and (F).

⁶ R.C. 1345.30(C).

⁷ R.C. 1345.30(A)(4).

⁸ R.C. 1345.30(D).



The bill establishes a fine of not more than \$1,000 for violating either of its prohibitions.⁹

HISTORY

ACTION	DATE
Introduced	03-20-13

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⁹ R.C. 1345.99(B).

