



# Ohio Legislative Service Commission

## Bill Analysis

Amy J. Rinehart

### Sub. H.B. 109

130th General Assembly  
(As Reported by H. Health and Aging)

**Reps.** Damschroder, R. Adams, Ruhl, Stinziano, Brenner, Gonzales, Buchy, Maag, Barnes, Bishoff, Brown, Carney, Schuring, Smith

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## BILL SUMMARY

- Permits hearing aid dealers, hearing aid fitters, physicians, and audiologists to recommend and fit hearing aids and requires them to have a regular place of business located in Ohio.
- Prohibits a person from selling or distributing a hearing aid to a consumer through the mail without a prior in-person evaluation from an individual permitted to recommend or fit hearing aids.
- Establishes a fine of up to \$1,000 for violating the bill's prohibition.

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## 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.<sup>1</sup>

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

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<sup>1</sup> R.C. 1345.30(B).

<sup>2</sup> R.C. Chapter 4747.

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

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

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

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

### **Sale and distribution of hearing aids**

To be eligible to recommend or fit 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.<sup>6</sup> "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.<sup>7</sup>

### **Prohibitions**

The bill prohibits a person from selling or distributing a hearing aid through the mail to the ultimate consumer unless the person has evidence that a prior in-person evaluation between the consumer and an individual permitted to recommend or fit a hearing aid under the bill. 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.<sup>8</sup>

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<sup>3</sup> R.C. 4747.15.

<sup>4</sup> R.C. 4747.02

<sup>5</sup> R.C. 1345.30(E) and (F).

<sup>6</sup> R.C. 1345.30(C).

<sup>7</sup> R.C. 1345.30(A)(4).

<sup>8</sup> R.C. 1345.30(D).



The bill establishes a fine of not more than \$1,000 for violating its prohibition.<sup>9</sup>

### **Devices used while hunting or shooting**

The bill specifies that its provision regarding hearing aids does not apply to any instrument or device that fits into the ear and is intended to be used only while hunting or shooting.<sup>10</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	03-20-13
Reported, H. Health & Aging	06-12-13

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<sup>9</sup> R.C. 1345.99(B).

<sup>10</sup> R.C. 1345.30(A)(3).

