



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-6079/1  
KP:cjs

## 2021 ASSEMBLY BILL 1104

March 10, 2022 - Introduced by Representatives BROSTOFF, B. MEYERS, SINICKI, EMERSON, SPREITZER, HEBL, SHELTON, MILROY, BALDEH, OHNSTAD, HONG, ANDERSON, CABRERA, STUBBS and SUBECK, cosponsored by Senators LARSON, BEWLEY and AGARD. Referred to Committee on State Affairs.

1     **AN ACT to renumber** 459.035; **to renumber and amend** 459.24 (3m) (a); **to**  
2     **amend** 459.03 (2) (a); **to repeal and recreate** 459.035 (title); and **to create**  
3     459.03 (2) (c), 459.035 (2), 459.24 (3m) (a) 1. and 2., 459.24 (3m) (c) and 459.24  
4     (3m) (d) of the statutes; **relating to:** information and demonstration  
5     requirements for hearing instrument specialists and audiologists.

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### *Analysis by the Legislative Reference Bureau*

Subject to certain exceptions, this bill requires a hearing instrument specialist or an audiologist, at the time of an initial examination for the fitting and sale of a hearing aid, to inform the prospective client or other purchaser about the operation and benefits of hearing aids with features, such as telecoils, that can provide a direct connection between the hearing aid and an assistive listening system. If the client or other purchaser purchases such a hearing aid, the hearing instrument specialist or audiologist must demonstrate for the client or purchaser the proper use of the technology.

In addition, the bill requires a hearing instrument specialist or audiologist, when delivering a receipt to a person supplied with a hearing aid, to include in the receipt language requiring the client or other purchaser to verify that the client or purchaser has received any required information about hearing aids with features, such as telecoils, and, if the client or purchaser has purchased such a hearing aid, that the client or purchaser has been provided the required demonstration on its use.

**ASSEMBLY BILL 1104**

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 459.03 (2) (a) of the statutes is amended to read:

2           459.03 (2) (a) The terms of the guarantee, if there is any given; and,

3           **SECTION 2.** 459.03 (2) (c) of the statutes is created to read:

4           459.03 (2) (c) Language that requires the client or or other purchaser to verify  
5 all of the following:

6           1. That the client or purchaser has received any information required under  
7 s. 459.035 (2) (a).

8           2. If the client or purchaser has purchased a hearing aid described in s. 459.035  
9 (2) (a) 1., that the client or purchaser has been provided the demonstration required  
10 under s. 459.035 (2) (b).

11           **SECTION 3.** 459.035 (title) of the statutes is repealed and recreated to read:

12           **459.035 (title) Practice requirements and limitations.**

13           **SECTION 4.** 459.035 of the statutes is renumbered 459.035 (1).

14           **SECTION 5.** 459.035 (2) of the statutes is created to read:

15           459.035 (2) (a) 1. Except as provided in subd. 2., a licensee or permit holder  
16 under this subchapter shall, at the time of an initial examination for the fitting and  
17 sale of a hearing aid, inform the prospective client or other purchaser about the  
18 operation and benefits of hearing aid options that can provide a direct connection  
19 between the hearing aid and an assistive listening system, such as telecoils. The  
20 licensee or permit holder shall provide the information required under this  
21 subdivision with cognizance of the most recent standards for accessible design

**ASSEMBLY BILL 1104**

1 adopted by the U.S. department of justice in accordance with the federal Americans  
2 with Disabilities Act of 1990.

3 2. If a licensee or permit holder believes that a prospective client may not be  
4 an appropriate candidate for a hearing aid described in subd. 1. and the client is  
5 accompanied by an individual other than the client, the licensee or permit holder  
6 shall consult with that individual or the client's parent or guardian. If, following that  
7 consultation, the licensee or permit holder confirms that the prospective client is not  
8 an appropriate candidate for a hearing aid described in subd. 1., the licensee or  
9 permit holder is not required to comply with subd. 1.

10 (b) If the client or other purchaser purchases a hearing aid described in par. (a)  
11 1., the licensee or permit holder shall demonstrate for the client or purchaser the  
12 proper use of the technology.

13 **SECTION 6.** 459.24 (3m) (a) of the statutes is renumbered 459.24 (3m) (a) (intro.)  
14 and amended to read:

15 459.24 (3m) (a) (intro.) Deliver to each person supplied with a hearing aid a  
16 receipt. The receipt shall contain the signature and show the business address,  
17 license or permit title, and number of the licensee or permittee, together with  
18 specifications as to the make and model of the hearing aid and full terms of sale  
19 clearly stated. If a hearing aid that is not new is sold, the receipt and the container  
20 must be clearly marked as "used" or "reconditioned", whichever is applicable. The  
21 ~~terms of the guarantee, if there is any given, receipt shall be contain all of the~~  
22 following information, set out in not less than 8-point type.:

23 **SECTION 7.** 459.24 (3m) (a) 1. and 2. of the statutes are created to read:

24 459.24 (3m) (a) 1. The terms of the guarantee, if there is any given.

**ASSEMBLY BILL 1104****SECTION 7**

1           2. Language that requires the client or other purchaser to verify all of the  
2 following:

3           a. That the client or purchaser has received any information required under  
4 par. (c).

5           b. If the client or purchaser has purchased a hearing aid described in par. (c)  
6 1., that the client or purchaser has been provided the demonstration required under  
7 par. (d).

8           **SECTION 8.** 459.24 (3m) (c) of the statutes is created to read:

9           459.24 **(3m)** (c) 1. At the time of an initial examination for the fitting and sale  
10 of a hearing aid, inform the prospective client or other purchaser about the operation  
11 and benefits of hearing aid options that can provide a direct connection between the  
12 hearing aid and an assistive listening system, such as telecoils, except as provided  
13 in subd. 2. The audiologist shall provide the information required under this  
14 subdivision with cognizance of the most recent standards for accessible design  
15 adopted by the U.S. department of justice in accordance with the federal Americans  
16 with Disabilities Act of 1990.

17           2. If an audiologist believes that a prospective client may not be an appropriate  
18 candidate for a hearing aid described in subd. 1. and the client is accompanied by an  
19 individual other than the client, the audiologist shall consult with that individual or  
20 the client's parent or guardian. If, following that consultation, the audiologist  
21 confirms that the prospective client is not an appropriate candidate for a hearing aid  
22 described in subd. 1., the audiologist is not required to comply with subd. 1.

23           **SECTION 9.** 459.24 (3m) (d) of the statutes is created to read:

24           459.24 **(3m)** (d) If a client or other purchaser purchases a hearing aid described  
25 in par. (c) 1., demonstrate the proper use of the technology.

