State of Misconsin 2023 - 2024 LEGISLATURE

LRB-3398/2 JPC:skw

2023 ASSEMBLY BILL 374

August 4, 2023 - Introduced by Representatives Stubbs, Sortwell, Baldeh, Moore Omokunde, Dittrich, Palmeri, Bodden, Goeben, Andraca, Subeck, Gustafson, Mursau, Myers, Jacobson, Ohnstad, Ortiz-Velez, Shankland, Snodgrass, Vining and Joers, cosponsored by Senators Cabral-Guevara, Carpenter, Felzkowski, Spreitzer and Taylor. Referred to Committee on Regulatory Licensing Reform.

1 AN ACT to amend 459.03 (1); and to create 459.02 (3) and 459.03 (1m) of the

statutes; **relating to:** selling and fitting over-the-counter hearing aids.

Analysis by the Legislative Reference Bureau

Under current law, no person may engage in the practice of selling or fitting hearing aids unless he or she holds a license as a hearing instrument specialist issued by the Department of Safety and Professional Services or a license as an audiologist issued by the Hearing and Speech Examining Board. This bill provides that no license is required to sell or fit an over-the-counter hearing aid, as defined under federal law. Under federal law, air-conduction hearing aids may be sold over the counter without a prescription under certain circumstances.

Further, under current law, a hearing instrument specialist who engages in the practice of selling or fitting hearing aids must deliver to each person supplied with a hearing aid a receipt that contains certain information. The bill provides that a hearing instrument specialist is not required to deliver a receipt to a person supplied with a hearing aid if the hearing aid is an over-the-counter hearing aid, as defined under federal law.

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

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	459.02 (3)	No licen	ise is requ	ired under	this su	ıbchapter	or subch.	II to s	ell or
fit a	n over-the-	counter 1	hearing ai	d, as defin	ed in 21	1 USC 360	j (q).		

Section 2. 459.03 (1) of the statutes is amended to read:

459.03 (1) A Except as provided in sub. (1m), a hearing instrument specialist who engages in the practice of fitting and dealing in hearing aids shall deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address and license title and number of the hearing instrument specialist, together with specifications as to the make and model of the hearing aid furnished and full terms of sale clearly stated. If a hearing aid which is not new is sold, the receipt and the container thereof must be clearly marked as "used" or "reconditioned" whichever is applicable.

Section 3. 459.03 (1m) of the statutes is created to read:

459.03 (1m) A hearing instrument specialist is not required to deliver a receipt to a person supplied with a hearing aid if the supplied hearing aid is an over-the-counter hearing aid, as defined in 21 USC 360j (q).

16 (END)