

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-1108.01 Bart Miller x2173

HOUSE BILL 16-1366

HOUSE SPONSORSHIP

Primavera,

SENATE SPONSORSHIP

Steadman,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ENHANCED PROTECTIONS FOR PURCHASERS OF HEARING**
102 **AIDS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the director of the division of professions and occupations in the department of regulatory agencies to adopt rules:

- ! Requiring hearing aid providers and audiologists to disclose hearing aid pricing, including the separate prices of any parts, attachments, or accessories to hearing aids and any related services. The rules must require that hearing aid

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 20, 2016

users be permitted to purchase the different components and services involved in hearing aids separately.

- ! Requiring hearing aid providers and audiologists to explain to prospective and current hearing aid users the different communication options available via technological advances for different environments used by the hearing aid user.

The bill makes the violation of these rules a deceptive trade practice under the "Colorado Consumer Protection Act".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-701, **amend** (2)

3 (a) (I) and **add** (1) (c.5) and (2) (m) as follows:

4 **6-1-701. Dispensing hearing aids - deceptive trade practices -**
5 **definitions.** (1) As used in this section, unless the context otherwise
6 requires:

7 (c.5) "LOCKED", IN REFERENCE TO A HEARING AID, MEANS THAT
8 THE HEARING AID HAS BEEN PROGRAMMED OR OTHERWISE CONFIGURED TO
9 PREVENT ADJUSTMENTS OR REPAIR BY ANYONE OTHER THAN THE SELLER
10 OR A MEMBER OF THE SELLER'S NETWORK.

11 (2) In addition to any other deceptive trade practices under section
12 6-1-105, a dispenser engages in a deceptive trade practice when the
13 dispenser:

14 **(a)** Fails to deliver to each person to whom the dispenser
15 dispenses a hearing aid a receipt that:

16 **(I)** Bears the business address of the dispenser together with
17 specifications as to the make, MANUFACTURER'S MODEL NUMBER OR
18 NAME, OR BOTH, and serial number of the hearing aid furnished and the
19 full terms of the sale clearly stated. If the dispenser dispenses a hearing
20

1 aid that is not new, the dispenser shall clearly mark on the hearing aid
2 container and the receipt the term "used" or "reconditioned", whichever
3 is applicable, within the terms of the guarantee, if any.

4 (m) IF THE HEARING AID IS LOCKED:

5 (I) FAILS TO SO INFORM A PROSPECTIVE PURCHASER, ORALLY AND
6 IN WRITING, BEFORE THE PROSPECTIVE PURCHASER AGREES TO PURCHASE
7 THE HEARING AID; OR

8 (II) FAILS TO PROVIDE THE PURCHASER WITH:

9 (A) A LISTING OF SELLERS OR OTHER PERSONS OR ENTITIES IN
10 COLORADO WHO CAN PROVIDE SERVICE ON THE HEARING AID; AND

11 (B) STEPS THE PURCHASER CAN TAKE TO GET THE HEARING AID
12 UNLOCKED.

13 **SECTION 2.** In Colorado Revised Statutes, 12-5.5-301, **add** (1.5)
14 and (1.7) as follows:

15 **12-5.5-301. Director - powers - duties - rules.** (1.5) THE
16 DIRECTOR SHALL ADOPT RULES REQUIRING LICENSEES TO DISCLOSE
17 HEARING AID PRICING, INCLUDING THE PRICE FOR THE HEARING AID AND
18 AN ITEMIZED LIST OF ATTACHMENTS, ACCESSORIES, AND SERVICES
19 INCLUDED WITH THE SALE OF THE HEARING AID. THE RULES MUST ALSO
20 ADDRESS DISCLOSURE OF THOSE ITEMS OR SERVICES THAT REQUIRE AN
21 ADDITIONAL EXPENDITURE.

22 (1.7) THE DIRECTOR SHALL ADOPT RULES REQUIRING LICENSEES TO
23 EXPLAIN TO PROSPECTIVE AND CURRENT HEARING AID USERS THE
24 DIFFERENT COMMUNICATION AND CONNECTIVITY OPTIONS AVAILABLE VIA
25 TECHNOLOGICAL ADVANCES FOR DIFFERENT ENVIRONMENTS USED BY THE
26 HEARING AID USER.

27 **SECTION 3.** In Colorado Revised Statutes, 12-29.9-109, **add**

1 (1.5) and (1.7) as follows:

2 **12-29.9-109. Director - powers - duties - rules.** (1.5) THE
3 DIRECTOR SHALL ADOPT RULES REQUIRING LICENSEES TO DISCLOSE
4 HEARING AID PRICING, INCLUDING THE PRICE FOR THE HEARING AID AND
5 AN ITEMIZED LIST OF ATTACHMENTS, ACCESSORIES, AND SERVICES
6 INCLUDED WITH THE SALE OF THE HEARING AID. THE RULES MUST ALSO
7 ADDRESS DISCLOSURE OF THOSE ITEMS OR SERVICES THAT REQUIRE AN
8 ADDITIONAL EXPENDITURE.

9 (1.7) THE DIRECTOR SHALL ADOPT RULES REQUIRING LICENSEES TO
10 EXPLAIN TO PROSPECTIVE AND CURRENT HEARING AID USERS THE
11 DIFFERENT COMMUNICATION OPTIONS AVAILABLE VIA TECHNOLOGICAL
12 ADVANCES FOR DIFFERENT ENVIRONMENTS USED BY THE HEARING AID
13 USER.

14 **SECTION 4. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 10, 2016, if adjournment sine die is on May 11,
18 2016); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2016 and, in such case, will take effect on the
23 date of the official declaration of the vote thereon by the governor.

24 (2) This act applies to conduct related to the dispensing of hearing
25 aids on or after the applicable effective date of this act.