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**ENGROSSED SENATE BILL 5210**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Palumbo, Bailey, Rolfes, Wilson, C., Randall, Hunt, Das, and Keiser

AN ACT Relating to notification to purchasers of hearing instruments about uses and benefits of telecoil and bluetooth technology; adding a new section to chapter 18.35 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that approximately twenty percent of the population have hearing loss, including more than six hundred fifty thousand Washington state residents who have been diagnosed with hearing loss. The number is rising; the aging baby boomer generation is increasing age-related hearing loss exponentially, and hearing loss has increased among children and youth in the last decade. As these trends continue, telecoil technology has the potential to benefit more people, but only if consumers are made aware of the technology and its benefits.

The legislature finds that the federal Americans with disabilities act of 1990 was amended in 2010 to require assistive listening systems in places of public assembly, served by a public address system, to be hearing aid compatible. Currently, the telecoil is the only component within a consumer hearing instrument that enables this mandated compatibility. Without a telecoil-enabled hearing instrument a person cannot effectively access mandated assistive listening systems.

The legislature finds that bluetooth technology is evolving, but it is still generally not suited for long range transmission in a large venue like an auditorium. To date, hearing aid bluetooth technology does not meet compliance standards for assistive listening system requirements.

Therefore, the legislature intends to increase consumer awareness of benefits and uses of the different types of hearing instruments and technologies.

NEW SECTION. **Sec.**  A new section is added to chapter 18.35 RCW to read as follows:

(1) Any person who engages in fitting and dispensing of hearing instruments shall:

(a) Prior to initial fitting and purchase, notify a person seeking to purchase a hearing instrument, both orally and in writing, about the uses, benefits, and limitations of hearing instruments that:

(i) Are telecoil-enabled and are compatible with assistive listening systems that are compliant with the standards for accessible design adopted by the United States department of justice in accordance with the Americans with disabilities act, Title 42 U.S.C. Sec. 12101 et seq.; and

(ii) Utilize bluetooth technology or other short range one-to-one technology similar to bluetooth;

(b) Provide to each person who enters into an agreement to purchase a hearing instrument a receipt, which must be signed by the purchaser at the time of the purchase, containing language that verifies that prior to initial fitting and purchase the consumer was informed, both orally and in writing, about the uses, benefits, and limitations of telecoil- and bluetooth-enabled hearing instruments.

(2) The department may adopt rules to create a standard receipt form that persons required to provide notice under this section may provide to purchasers as required in subsection (1)(a)(i) and (ii) of this section.

(3) A person required to provide written notice in subsection (1) of this section may produce written materials, use materials produced by hearing instrument manufacturers or others, or use the materials created by the office of deaf and hard of hearing as required in section 3 of this act.

(4) This section may not be construed to create a private right of action or claim against any person engaging in the fitting and dispensing of hearing instruments.

NEW SECTION. **Sec.**  A new section is added to chapter 43.20A RCW to read as follows:

The office of deaf and hard of hearing shall develop educational materials to be distributed by hearing aid dispensers, including audiologists, to persons with hearing loss that explains the uses, benefits, and limitations of current hearing assistive technology, including telecoil and bluetooth, and how a person can access assistive listening systems using telecoil-enabled hearing instruments.

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