
ENGROSSED SENATE BILL 5210

State of Washington

66th Legislature

2019 Regular Session

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

Read first time 01/16/19. Referred to Committee on Health & Long Term Care.

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

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

6 NEW SECTION. **Sec. 1.** The legislature finds that approximately
7 twenty percent of the population have hearing loss, including more
8 than six hundred fifty thousand Washington state residents who have
9 been diagnosed with hearing loss. The number is rising; the aging
10 baby boomer generation is increasing age-related hearing loss
11 exponentially, and hearing loss has increased among children and
12 youth in the last decade. As these trends continue, telecoil
13 technology has the potential to benefit more people, but only if
14 consumers are made aware of the technology and its benefits.

15 The legislature finds that the federal Americans with
16 disabilities act of 1990 was amended in 2010 to require assistive
17 listening systems in places of public assembly, served by a public
18 address system, to be hearing aid compatible. Currently, the telecoil
19 is the only component within a consumer hearing instrument that
20 enables this mandated compatibility. Without a telecoil-enabled

1 hearing instrument a person cannot effectively access
2 mandated assistive listening systems.

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

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

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.35
12 RCW to read as follows:

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

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

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

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

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

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

36 (3) A person required to provide written notice in subsection (1)
37 of this section may produce written materials, use materials produced
38 by hearing instrument manufacturers or others, or use the materials

1 created by the office of deaf and hard of hearing as required in
2 section 3 of this act.

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

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A
7 RCW to read as follows:

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

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