

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5210

Chapter 183, Laws of 2019

66th Legislature
2019 Regular Session

HEARING INSTRUMENTS--NOTIFICATION TO USERS

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 19, 2019
Yeas 48 Nays 0

KAREN KEISER

President of the Senate

Passed by the House April 10, 2019
Yeas 93 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Approved April 29, 2019 2:56 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5210** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 30, 2019

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5210

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

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 mandated
2 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 current hearing
18 assistive technologies, as defined by the department of health in
19 rule.

20 (b) Provide to each person who enters into an agreement to
21 purchase a hearing instrument a receipt, which must be signed by the
22 purchaser at the time of the purchase, containing language that
23 verifies that prior to initial fitting and purchase the consumer was
24 informed, both orally and in writing, about the uses, benefits, and
25 limitations of current hearing assistive technologies, as defined by
26 the department of health in rule.

27 (2) The department may adopt rules to create a standard receipt
28 form that persons required to provide notice under this section may
29 provide to purchasers, as required in subsection (1)(a) of this
30 section.

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

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

1 (5) The department must adopt rules necessary to implement this
2 section. The department may consider a number of factors in defining
3 current hearing assistive technologies, but must consider whether
4 hearing assistive technologies are compatible with assistive
5 listening systems that are compliant with the Americans with
6 disabilities act.

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

9 The office of the deaf and hard of hearing shall develop
10 educational materials to be distributed by hearing aid dispensers,
11 including audiologists, to persons with hearing loss that explains
12 the uses, benefits, and limitations of current hearing assistive
13 technologies as defined by the department of health in rule.

Passed by the Senate April 19, 2019.
Passed by the House April 10, 2019.
Approved by the Governor April 29, 2019.
Filed in Office of Secretary of State April 30, 2019.

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