

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

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, AND, IN CONNECTION THEREWITH, REQUIRING THE
103 DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS
104 IN THE DEPARTMENT OF REGULATORY AGENCIES TO ADOPT
105 RULES THAT REQUIRE THE DISCLOSURE OF HEARING AID
106 PRICING BY HEARING AID PROVIDERS AND AUDIOLOGISTS AND
107 THAT REQUIRE THE EXPLANATION OF DIFFERENT
108 COMMUNICATION OPTIONS AVAILABLE TO HEARING AID USERS
109 VIA TECHNOLOGICAL ADVANCES FOR DIFFERENT
110 ENVIRONMENTS USED BY HEARING AID USERS AND MAKING THE
111 VIOLATION OF THESE RULES A DECEPTIVE TRADE PRACTICE
112 UNDER THE "COLORADO CONSUMER PROTECTION ACT".**

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.

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 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 (k) and (2) (l); and **add** (2) (m) as follows:

4 **6-1-701. Dispensing hearing aids - deceptive trade practices -**
5 **definitions.** (2) In addition to any other deceptive trade practices under
6 section 6-1-105, a dispenser engages in a deceptive trade practice when
7 the dispenser:

8 (k) Intentionally disposes of, conceals, diverts, converts, or
9 otherwise fails to account for any funds or assets of a buyer of a hearing
10 aid that is under the dispenser's control; **or**

11 (l) Charges, collects, or recovers any cost or fee for any good or
12 service that has been represented by the dispenser as free; **OR**

1 (m) VIOLATES ANY RULE OF THE DIRECTOR OF THE DIVISION OF
2 PROFESSIONS AND OCCUPATIONS ADOPTED UNDER SECTION 12-5.5-301
3 (1.5) AND (1.7) OR 12-29.9-109 (1.5) AND (1.7), C.R.S.

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

6 **12-5.5-301. Director - powers - duties - rules.** (1.5) THE
7 DIRECTOR SHALL ADOPT RULES REQUIRING LICENSEES TO DISCLOSE
8 HEARING AID PRICING, INCLUDING THE SEPARATE PRICES OF ANY PARTS,
9 ATTACHMENTS, OR ACCESSORIES TO HEARING AIDS AND ANY RELATED
10 SERVICES. THE RULES MUST REQUIRE THAT USERS BE PERMITTED TO
11 PURCHASE HEARING AIDS AND ANY PARTS, ATTACHMENTS, OR
12 ACCESSORIES AND ANY RELATED SERVICES SEPARATELY.

18 **SECTION 3.** In Colorado Revised Statutes, 12-29.9-109, add
19 (1.5) and (1.7) as follows:

20 **12-29.9-109. Director - powers - duties - rules.** (1.5) THE
21 DIRECTOR SHALL ADOPT RULES REQUIRING LICENSEES TO DISCLOSE
22 HEARING AID PRICING, INCLUDING THE SEPARATE PRICES OF ANY PARTS,
23 ATTACHMENTS, OR ACCESSORIES TO HEARING AIDS AND ANY RELATED
24 SERVICES. THE RULES MUST REQUIRE THAT USERS BE PERMITTED TO
25 PURCHASE HEARING AIDS AND ANY PARTS, ATTACHMENTS, OR
26 ACCESSORIES AND ANY RELATED SERVICES SEPARATELY.

27 (1.7) THE DIRECTOR SHALL ADOPT RULES REQUIRING LICENSEES TO

1 EXPLAIN TO PROSPECTIVE AND CURRENT HEARING AID USERS THE
2 DIFFERENT COMMUNICATION OPTIONS AVAILABLE VIA TECHNOLOGICAL
3 ADVANCES FOR DIFFERENT ENVIRONMENTS USED BY THE HEARING AID
4 USER.

5 **SECTION 4. Act subject to petition - effective date -**
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
7 the expiration of the ninety-day period after final adjournment of the
8 general assembly (August 10, 2016, if adjournment sine die is on May 11,
9 2016); except that, if a referendum petition is filed pursuant to section 1
10 (3) of article V of the state constitution against this act or an item, section,
11 or part of this act within such period, then the act, item, section, or part
12 will not take effect unless approved by the people at the general election
13 to be held in November 2016 and, in such case, will take effect on the
14 date of the official declaration of the vote thereon by the governor.

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