

TELECOIL AND RELATED LEGISLATION STATUS

Updated 4 May, 2019

ARIZONA - Enacted April 2007

For more information, contact Michele Michaels:

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36-1909. Bill of sale; requirements

A. A hearing aid dispenser or dispensing audiologist shall deliver a bill of sale to each person supplied with a hearing aid by the hearing aid dispenser or the dispensing audiologist or at that person's order or direction.

B. A bill of sale shall contain the hearing aid dispenser's or the dispensing audiologist's signature and shall show the address of that person's regular place of practice and the number of that person's license, a description of the make and model of the hearing aid and the amount charged. The bill of sale shall also state the serial number and the condition of the hearing aid as to whether it is new, used or rebuilt.

C. A bill of sale shall contain language that verifies that the client has been informed about audio switch technology, including benefits such as increased access to telephones and assistive listening devices. If the hearing device purchased by the client has audio switch technology, the client shall be informed of the proper use of the technology. The client shall be informed that an audio switch is also referred to as a telecoil, t-coil or t-switch.

D. A bill of sale shall contain language that informs the client about the Arizona telecommunications equipment distribution program established by section 36-1947 that provides assistive telecommunications devices to residents of this state who have hearing loss.

CALIFORNIA - Failed 2016 (Never reported out of committee)

For more information, contact Toni Barrient at tbarrient@yahoo.com .

California legislature—2015–16 regular session
ASSEMBLY BILL No. 1950

February 12, 2016

An act to amend Section 2538.49 of, and to add Section 2539.3 to, the Business and Professions Code, relating to hearing aids.

The people of the State of California do enact as follows:

SECTION 1. Section 2538.49 of the Business and Professions Code is amended to read:
2538.49. It is unlawful for a licensed hearing aid dispenser to fit or sell a hearing aid unless he or she first does all of the following:

(a) Complies with all provisions of state laws and regulations relating to the fitting or selling of hearing aids.

(b) Conducts a direct observation of the purchaser's ear canals.

(c) Informs the purchaser of the address and office hours at which the licensee shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold.

(d) *Informs the purchaser of an audio switch, which may be referred to as a telecoil, t-coil, or t-switch, that increases access to a telephone and provides noninvasive access to assistive listening systems that are compliant with the Americans with Disabilities Act of 1990 (P.L. 101-336).*

SEC. 2. Section 2539.3 is added to the Business and Professions Code, to read:

2539.3. A licensed dispensing audiologist shall, prior to fitting line 20 or selling a hearing aid, inform the purchaser of an audio switch, which may be referred to as a telecoil, t-coil, or t-switch, that increases access to a telephone and provides noninvasive access to assistive listening systems that are compliant with the Americans with Disabilities Act of 1990 (P.L. 101-336).

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of.....

**Building Code revisions proposed to the
Division of State Architect for consideration in 2020**

For more information, contact Leslie Butchko at lesliebutchko@gmail.com .

California Building Standards Code
(California Code of Regulations, Title 24)
Chapter 11B Accessibility to Public Buildings, Public
Accommodations, Commercial Buildings and Public Housing

DIVISION 2: SCOPING REQUIREMENTS

[...]

11B-219 Assistive listening systems

11B-219.1 General

Assistive listening systems shall be provided in accordance with Section 11B-219 and shall comply with Section 11B-706.

11B-219.2 Required systems

An assistive listening system shall be provided in assembly areas, including conference and meeting rooms.

Exception: This section does not apply to systems used exclusively for paging, background music, or a combination of these two uses.

11B-219.3 Receivers

The minimum number of receivers to be provided shall be equal to 4 percent of the total number of seats, but in no case less than two. Twenty-five percent minimum of receivers provided, but no fewer than two, shall be hearing-aid compatible in accordance with Section 11B-706.3.

Exceptions:

Where a building contains more than one assembly area and the assembly areas required to provide assistive listening systems are under one management, the total number of required receivers shall be permitted to be calculated according to the total number of seats in the assembly areas in the building provided that all receivers are usable with all systems.

Where all seats in an assembly area are served by an induction loop assistive listening system, the minimum number of receivers required by Section 11B-219.3 to be hearing-aid compatible shall not be required to be provided.

11B-219.4 Location

If the assistive-listening system provided is limited to specific areas or seats, then such areas or seats shall be within a 50-foot (15240 mm) viewing distance of the stage or playing area and shall have a complete view of the stage or playing area.

11B-219.5 Permanent and portable systems

Permanently installed assistive-listening systems are required in areas if (1) they have permanently installed audio amplification systems. Permanently installed directly hearing-aid compatible assistive listening systems are required in areas if they accommodate at least 50 persons or and if (1) they have permanently installed audio-amplification systems, and or (2) they have fixed seating. Portable assistive listening systems shall be set up, tested, and functioning properly whenever a portable audio amplification system is used. If portable assistive-listening systems are used for conference or meeting rooms, the system may serve more than one room. An adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive-listening system shall be provided.

DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES

[...]

11B-706 Assistive listening systems

11B-706.1 General

Assistive listening systems required in assembly areas, conference and meeting rooms shall comply with Section 11B-706.

11B-706.2 Receiver jacks

Receivers required for use with an assistive listening system shall include a 1/8 inch (3.2 mm) standard mono jack.

Peak clipping shall not exceed 18 dB of clipping relative to the peaks of speech.

11B-706.3 Receiver hearing-aid compatibility

Receivers required to be hearing-aid compatible shall interface with telecoils in hearing aids through the provision of neckloops.

11B-706.4 Sound pressure level

Assistive listening systems shall be capable of providing a sound pressure level of 110 dB minimum and 118 dB maximum with a dynamic range on the volume control of 50 dB.

11B-706.5 Signal-to-noise ratio

The signal-to-noise ratio for internally generated noise in assistive listening systems shall be 18 dB minimum.

11B-706.6 Peak clipping level

COLORADO - Failed (Never reported out of committee)

For more information, contact Wynne Whyman: wynne4@comcast.net

The following section is excerpted from House Bill 16-1366 that proposed a significant number of changes and additions to existing law applicable to the dispensing of hearing aids that were not germane to the issue of telecoils.

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.

DELAWARE - Enacted July, 2016

For more information, contact Linda Heller - lsheller3204@gmail.com or
hllade@comcast.net

HOUSE BILL NO. 402

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO HEARING AIDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 3706(a), Title 24 of the Delaware Code to create a new chapter by making deletions as shown by strike through and insertions shown by underline as follows and redesignating accordingly:

§ 3706 Powers and duties; immunity.

(13) Establish requirements for licensed hearing aid dispenser and licensed audiologist to:

- a. At the time of the initial examination for fitting and sale of a hearing aid, to notify the prospective purchaser or client of the operation and benefits of telecoil, also known as “t” coil, or “t” switch technology, in using a hearing aid with “hearing loop” technology; and
- b. Provide written information explaining telecoil and its uses, including increased access to telephones, and communication with businesses and in the community, and noninvasive access to assistive listening systems.

Section 2. This Act shall take effect 90 days after the date of its enactment.

SYNOPSIS

This bill authorizes the Board of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers to establish requirements for hearing aid dispensers and audiologists to provide notification and written information to potential customers at the time of the initial exam for fitting a hearing aid of the operation and benefits of telecoil technology.

FLORIDA - Enacted 1994

For more information, contact Judy Martin: judygmartin@bellsouth.net

FSS 484.0501 (5) (b)

(b) At the time of the initial examination for fitting and sale of a hearing aid, the attending hearing aid specialist must notify the prospective purchaser or client of the benefits of telecoil, “t” coil, or “t” switch technology, including increased access to telephones and noninvasive access to assistive listening systems required under the

Americans with Disabilities Act of 1990.

INDIANA- Passed and signed into law May 2, 2019

For more information, contact Linda Loftus:

wfml@aol.com or

θαניתη Νειδιγη: janneidigh@gmail.com

ENGROSSED

HOUSE BILL No. 1113

Effective: July 1, 2019.

Miller D, Shackelford, Morris,
Campbell

(SENATE SPONSORS — ROGERS, DORIOT, STOOPS)

January 7, 2019, read first time and referred to Committee on Commerce, Small Business and Economic Development.

January 31, 2019, amended, reported — Do Pass.

February 4, 2019, read second time, ordered engrossed.

February 5, 2019, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Commerce and Technology.

April 1, 2019, amended, reported favorably — Do Pass.

EH 1113—LS 6942/DI 132

DIGEST OF HB 1113 (Updated March 28, 2019 1:38 pm - DI 119)

Citations Affected: IC 22-13; IC 25-20; IC 25-35.6.

Synopsis: Telecoil and beacon positioning systems. Requires the fireprevention and buildings safety commission (commission) to adoptrules requiring that a person performing newconstruction or anymajor

alteration of an existing public address system in a Class 1 structure located in a first or second class city after June 30, 2020, must consider the installation of an audio frequency induction loop system (AFIL)

and a beacon positioning system. Requires that the person performingbnew construction or anymajor alteration of an existing facility's public address systemto solicit at least one bid for the installation of an AFIL and at least one bid for the installation of a beacon positioning system.

Requires the commission to: (1) adopt standards of the American National StandardsInstitute (ANSI) and International Electrotechnical Commission (IEC) for installation, maintenance, and performance of audio frequency induction loop systems; and (2) develop standards for installation and

maintenance of beacon positioning systems. Requires audiologists, individuals who hold a hearing aid dealer certificate of registration, and individuals who fit or dispense hearing aids while under the supervision and direction of an individual who holds a hearing aid dealer certificate of registration to provide information about telecoil and AFILs when fitting and dispensing hearing aids.

EH 1113—LS 6942/DI 132

April 2, 2019

First Regular Session of the 121st General Assembly (2019)

ENGROSSED

HOUSE BILL No. 1113

ABILLFORANACTto amend the IndianaCode concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION1.IC22-13-4-1.6 ISADDEDTOTHEINDIANACODE

2 ASANEWSECTIONTOREADASFOLLOWS[EFFECTIVEJULY

3 1, 2019]: Sec. 1.6. (a) The commission shall adopt building rules

4 regarding installation of audio frequency induction loop systems

5 and beacon positioning systems in Class 1 structures located in a

6 first or second class city after June 30, 2020.

7 (b) The rules adopted under this section must:

8 (1) require that a person performing new construction must

9 consider the installation of:

10 (A) an audio frequency induction loop system as part of

11 any public address system unless installation of an audio

12 frequency inductionloopssystemwouldbe impractical; and

13 (B) a beacon positioning system unless installation of a

14 beacon positioning system would be impractical;

15 (2) require that a person performing any major alteration of

16 an existing facility's public address system must consider the

17 installation of:

EH 1113—LS 6942/DI 132

2

1 (A) an audio frequency induction loop system unless

2 installation of an audio frequency induction loop system

3 would be impractical; and

4 (B) a beacon positioning system unless installation of a

5 beacon positioning system would be impractical;

6 (3) require that a person performing new construction or any

7 major alterationof anexisting facility'spublic addresssystem

8 under subdivision (1) or (2) must solicit:

9 (A) at least one (1) bid for the installation of an audio

10 frequency induction loop system unless installation of an

11 audio frequency induction loop system would be

12 impractical; and

13 (B) at least one (1) bid for the installation of a beacon
14 positioning system unless installation of a beacon
15 positioning system would be impractical;
16 (4) adopt American National Standards Institute (ANSI) and
17 International Electrotechnical Commission (IEC) standards
18 for audio frequency induction loop system installation,
19 maintenance, and performance; and
20 (5) develop standards for installation and maintenance of a
21 beacon positioning system.

22 SECTION 2. IC25-20-1-27 IS ADDED TO THE INDIANACODE
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

24 1, 2019]: Sec. 27. Before fitting or dispensing a hearing aid, an
25 individual who:

26 (1) holds a temporary or valid hearing aid dealer certificate
27 of registration; or

28 (2) fits or dispenses hearing aids while under the supervision
29 and direction of an individual who holds a temporary or valid
30 hearing aid dealer certificate of registration;

31 shall provide oral and written information explaining telecoil and
32 audio frequency induction loop systems, how they operate, and
33 their uses, including increasing access to telephones and assistive
34 listening systems that comply with the Americans with Disabilities
35 Act (42 U.S.C. 12101 et seq.), any amendments and regulations
36 relating to the Act, and the Americans with Disabilities Act
37 Accessibility Guidelines (28 CFR 35.101 et seq. and 28 CFR 36.101
38 et seq.).

39 SECTION 3. IC 25-35.6-1-12 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS

41 [EFFECTIVE JULY 1, 2019]: Sec. 12. Before fitting or dispensing a
42 hearing aid, an audiologist shall provide oral and written
EH 1113—LS 6942/DI 132

3

1 information explaining telecoil and audio frequency induction loop
2 systems, how they operate, and their uses, including increasing
3 access to telephones and assistive listening systems that comply
4 with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.),
5 any amendments and regulations relating to the Act, and the
6 Americans with Disabilities Act Accessibility Guidelines (28 CFR
7 35.101 et seq. and 28 CFR 36.101 et seq.).

EH 1113—LS 6942/DI 132

4

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and
Economic Development, to which was referred House Bill 1113, has
had the same under consideration and begs leave to report the same
back to the House with the recommendation that said bill be amended
as follows:

Page 1, line 5, after "structures" insert "located in a first or second

class city".

Page 1, delete lines 7 through 15, begin a new line block indented and insert:

"(1) require that a person performing new construction must consider the installation of an audio frequency induction loop system as part of any public address system unless installation of an audio frequency induction loop system would be impractical;

(2) require that a person performing any major alteration of an existing facility's public address system must consider the installation of an audio frequency induction loop system unless installation of an audio frequency induction loop system would be impractical;

(3) require that a person performing new construction or any major alteration of an existing facility's public address system under subdivision (1) or (2) must solicit at least one (1) bid for the installation of an audio frequency induction loop system unless installation of an audio frequency induction loop system would be impractical; and".

Page 1, line 16, delete "(3)" and insert "(4)".

and when so amended that said bill do pass.

(Reference is to HB 1113 as introduced.)

MORRIS

Committee Vote: yeas 10, nays 0.

EH 1113—LS 6942/DI 132

5

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1113, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "for" and insert "regarding".

Page 1, line 4, delete "the purpose of requiring the".

Page 1, line 5, after "systems" insert "and beacon positioning systems".

Page 1, line 9, delete "of" and insert "of:

(A)".

Page 1, line 12, after "impractical;" insert "and (B) a beacon positioning system unless installation of a beacon positioning system would be impractical;".

Page 1, line 15, delete "of" and insert "of:

(A)".

Page 1, line 17, after "impractical;" insert "and (B) a beacon positioning system unless installation of a beacon positioning system would be impractical;".

Page 2, line 3, delete "solicit" and insert "solicit:

(A)".

Page 2, between lines 6 and 7, begin a new line double block indented and insert:

"(B) at least one (1) bid for the installation of a beacon positioning system unless installation of a beacon positioning system would be impractical;"

Page 2, delete lines 7 through 8, begin a new line block indented and insert:

"(4) adopt AmericanNationalStandards Institute (ANSI)and International Electrotechnical Commission (IEC) standards for audio frequency induction loop system installation, maintenance, and performance; and

(5) develop standards for installation and maintenance of a beacon positioning system."

and when so amended that said bill do pass.

(Reference is to HB 1113 as printed February 1, 2019.)

PERFECT, Chairperson

Committee Vote: Yeas 8, Nays 0.

EH 1113—LS 6942/DI 13

IOWA - Failed January 2018 (Never reported out of committee)

For more information, contact Mary Dyer: maryherondyer@sbcglobal.net

Provisions contained in H.F. 2141

Section 1. Section 216E.1, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 14. "*Telecoil assistive device*" means a tiny coil of wire around a core that supplements or replaces an input device within a hearing assistive device that will induce an electric current in the coil when it is in the presence of a magnetic field.

NEW SECTION. 216E.5A Telecoil assistive device notification requirements.

1. At the time of receiving a purchase order for a hearing assistive device is received, the assistive device dealer or assistive device lessor shall provide the consumer with written information pertaining to a telecoil assistive device, including all of the following:

- a. The setting on the telecoil assistive device.
- b. The compatibility of the telecoil assistive device with other assistive devices which are compliant with the federal Americans with Disabilities Act pursuant to 42 U.S.C. 712101-12117.

Section 2. A consumer receiving the written information shall sign a copy of the written information which shall be retained by the assistive device dealer or assistive device lessor for the period corresponding to the number of years of warranty set out by the

manufacturers.

The bill provides that at the time of receiving an order for a hearing assistive device, the consumer will be provided written information by the assistive device dealer or assistive device lessor related to a telecoil assistive device.

The bill applies to telecoil purchase orders received on or after September 1, 2018.

KANSAS [↗ previous correspondence re possible legislation being followed up on.](#)

KENTUCKY [↗ previous correspondence re possible legislation being followed up on.](#)

MARYLAND [Bill signed into law April, 2019](#)

HOUSE BILL 1192

1 AN ACT concerning

2 Assembly Areas – State–Funded Construction or Renovation – Assisted

3 Listening System Requirement

4 FOR the purpose of requiring certain recipients of State funds to install an assistive

5 listening system in an assembly area during construction or renovation of the

6 assembly area under certain circumstances; authorizing certain recipients of State

7 funds to apply for a waiver from the requirement of a certain provision of this Act

8 under certain circumstances; requiring that the waiver request include a certain

9 description; establishing the Hearing Accessibility Advisory Board; requiring the

10 Secretary of the Department of General Services to appoint the members of the

11 Board; requiring the Board to consist of certain individuals and consumers; requiring

12 the Board to consult with certain stakeholders, make certain recommendations,

13 consider applications for waivers, and monitor compliance and investigate

14 complaints; requiring the Department to adopt certain regulations; providing that

15 this Act does not require certain agencies or recipients to retrofit existing facilities

16 that are not undergoing renovation; authorizing a person to bring a civil action for a

17 certain violation and under certain circumstances; prohibiting a person from being

18 required to take any other action before bringing a certain civil action under certain

19 circumstances; authorizing a court to grant certain relief, assess a certain civil
20 penalty, and award certain other relief in a certain action; requiring that a certain
21 court order include a certain requirement; defining certain terms; providing for the
22 application of this Act; and generally relating to assistive listening systems in
23 State-funded construction or renovation of assembly areas.

2 HOUSE BILL 1192

1 BY adding to

2 Article – State Finance and Procurement

3 Section 4–410

4 Annotated Code of Maryland

5 (2015 Replacement Volume and 2018 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

7 That the Laws of Maryland read as follows:

8 Article – State Finance and Procurement

9 4–410.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS

11 INDICATED.

12 (2) (I) “ASSEMBLY AREA” MEANS A BUILDING OR FACILITY, OR

13 ANY PORTION OF A BUILDING OR FACILITY, THAT:

14 1. IS USED FOR THE PURPOSE OF ENTERTAINMENT,

15 EDUCATION, OR CIVIC GATHERINGS; AND

16 2. REQUIRES THE USE OF A PUBLIC ADDRESS SYSTEM.

17 (II) “ASSEMBLY AREA” INCLUDES:

18 1. AN AMPHITHEATER, AN ARENA, AND A STADIUM;

19 2. AN AUDITORIUM;

20 3. A CENTER FOR THE PERFORMING ARTS;

21 4. A CLASSROOM AND A LECTURE HALL;

22 5. A CONCERT HALL;

23 6. A CONVENTION CENTER;

24 7. A COURTROOM;

25 8. A LEGISLATIVE CHAMBER;

26 9. A MOVIE THEATER, A THEATER, AND A PLAYHOUSE;

27 AND

HOUSE BILL 1192 3

1 10. A PUBLIC HEARING AND MEETING ROOM; AND

2 11. ANY OTHER AREA THAT REQUIRES THE USE OF A
3 PUBLIC ADDRESS SYSTEM.

4 (III) "ASSEMBLY AREA" DOES NOT INCLUDE ANY OUTDOOR
5 AREA.

6 (3) "ASSISTIVE LISTENING SYSTEM" MEANS AN AMPLIFICATION
7 SYSTEM USING TRANSMITTERS TO BYPASS THE ACOUSTICAL SPACE BETWEEN A
8 SOUND SOURCE AND A LISTENER BY MEANS OF A WIRELESS DIRECT CONNECTION,
9 SUCH AS A HEARING INDUCTION LOOP SYSTEM, THAT COUPLES TO A:

10 (I) PERSONAL HEARING DEVICE; OR

11 (II) RECEIVER, SUCH AS A HEARING INDUCTION LOOP
12 RECEIVER OR OTHER SIMILAR TECHNOLOGY.

13 (4) "CONSTRUCTION OR RENOVATION" INCLUDES:

14 (I) BUILDING;

15 (II) RECONSTRUCTING;

16 (III) IMPROVING;

17 (IV) RENOVATING;

18 (V) ENLARGING;

19 (VI) PAINTING AND DECORATING;

20 (VII) ALTERING;

21 (VIII) MAINTAINING; AND

22 (IX) REPAIRING.

23 (I) CONSTRUCTION;

24 (II) RECONSTRUCTION; AND

25 (III) RENOVATION.

4 HOUSE BILL 1192

1 (5) "HEARING INDUCTION LOOP" MEANS A HEARING LOOP OR
2 T-LOOP SYSTEM THAT TAKES A SOUND SOURCE AND TRANSFERS IT DIRECTLY VIA A
3 MAGNETIC SIGNAL TO:

4 (I) A HEARING AID;

5 (II) A COCHLEAR IMPLANT;

6 (III) A HEARING INDUCTION LOOP RECEIVER; OR

7 (IV) ANY OTHER PERSONAL HEARING DEVICE THAT ACTS AS A
8 RECEIVER.

9 (6) "RECIPIENT OF STATE FUNDS" MEANS ANY OF THE FOLLOWING

10 THAT RECEIVE STATE MONEY FOR THE CONSTRUCTION OR RENOVATION OF AN

11 ASSEMBLY AREA:

12 (I) A UNIT OF STATE GOVERNMENT;

13 (II) A UNIT OF LOCAL GOVERNMENT; OR

14 (III) A FOR–PROFIT OR NONPROFIT ENTITY OR ASSOCIATION.

15 (B) (1) A RECIPIENT OF STATE FUNDS SHALL INSTALL AN ASSISTIVE

16 LISTENING SYSTEM IN AN ASSEMBLY AREA DURING THE CONSTRUCTION OR

17 RENOVATION OF THE ASSEMBLY AREA IF:

18 (I) AUDIBLE COMMUNICATION IS INTEGRAL TO THE USE OF

19 THE ASSEMBLY AREA USES OR REQUIRES THE USE OF A PUBLIC ADDRESS SYSTEM;

20 AND

21 (II) A STATE CONTRACT HAS BEEN EXECUTED TO ENABLE

22 CONSTRUCTION OR RENOVATION OF THE ASSEMBLY AREA.

23 (2) (I) A RECIPIENT OF STATE FUNDS MAY APPLY FOR A WAIVER

24 FROM THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

25 1. THE RECIPIENT CLAIMS THAT AN ASSISTIVE

26 LISTENING SYSTEM IS NOT TECHNOLOGICALLY FEASIBLE; OR

27 2. THERE IS A DISPUTE REGARDING WHETHER THE

28 REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION APPLY TO A

29 CONSTRUCTION OR RENOVATION PROJECT.

HOUSE BILL 1192 5

1 (II) A WAIVER REQUEST UNDER SUBPARAGRAPH (I) OF THIS

2 PARAGRAPH SHALL INCLUDE A DESCRIPTION OF THE ALTERNATIVE ASSISTIVE

3 LISTENING TECHNOLOGY THE RECIPIENT WILL USE TO COMPLY WITH THE

4 AMERICANS WITH DISABILITIES ACT.

5 (C) (1) THERE IS A HEARING ACCESSIBILITY ADVISORY BOARD.

6 (2) (I) THE SECRETARY SHALL APPOINT THE MEMBERS OF THE

7 BOARD.

8 (II) THE BOARD SHALL CONSIST OF:

9 1. INDIVIDUALS WHO HAVE EXPERTISE IN ASSISTIVE

10 LISTENING SYSTEMS; AND

11 2. CONSUMERS WHO USE ASSISTIVE LISTENING

12 SYSTEMS.

13 (3) THE BOARD SHALL:

14 (I) CONSULT WITH STAKEHOLDERS WHO ARE STATE

15 RESIDENTS WHO USE OR WILL USE THE FACILITIES BEING BUILT OR RENOVATED,

16 INCLUDING:

17 1. INDIVIDUALS WITH HEARING LOSS; AND

18 2. ORGANIZATIONS THAT REPRESENT PEOPLE WITH

19 HEARING LOSS AND HAVE BACKGROUND EXPERIENCE AND KNOWLEDGE OF THE USE

20 OF ASSISTIVE LISTENING SYSTEMS AND DEVICES;

21 (II) MAKE RECOMMENDATIONS FOR REGULATIONS

22 IMPLEMENTING THIS SECTION;

23 (III) CONSIDER APPLICATIONS FOR WAIVERS SUBMITTED UNDER

24 SUBSECTION (B)(2) OF THIS SECTION; AND

25 (IV) MONITOR COMPLIANCE WITH THIS SECTION AND

26 INVESTIGATE ANY COMPLAINTS REGARDING NONCOMPLIANCE.

27 (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS

28 SECTION, INCLUDING REGULATIONS REGARDING:

29 (1) PROPER MAINTENANCE AND TRAINING OF STAFF;

6 HOUSE BILL 1192

1 (2) ADEQUATE SIGNAGE; AND

2 (3) A REQUIREMENT FOR FACILITIES TO PROVIDE RECEIVERS THAT

3 CAN USE THE TECHNOLOGY FOR INDIVIDUALS WHO DO NOT HAVE A PERSONAL

4 HEARING DEVICE OR DO NOT HAVE A HEARING DEVICE WITH A TELECOIL OR OTHER

5 BUILT-IN RECEIVER.

6 (E) THIS SECTION DOES NOT REQUIRE STATE AGENCIES OR RECIPIENTS OF

7 STATE FUNDS TO RETROFIT EXISTING FACILITIES THAT ARE NOT UNDERGOING

8 RENOVATION.

9 (F) (1) (I) A PERSON MAY BRING A CIVIL ACTION FOR A VIOLATION OF

10 THIS SECTION OR IF THE PERSON HAS REASONABLE GROUNDS FOR BELIEVING THAT

11 THIS SECTION WILL BE VIOLATED.

12 (II) A PERSON MAY NOT BE REQUIRED TO TAKE ANY OTHER

13 ACTION BEFORE BRINGING A CIVIL ACTION UNDER SUBPARAGRAPH (I) OF THIS

14 PARAGRAPH FOR A POTENTIAL VIOLATION OF THIS SECTION IF THE PERSON HAS

15 ACTUAL NOTICE THAT A RECIPIENT OF STATE FUNDS DOES NOT INTEND TO COMPLY

16 WITH THE REQUIREMENTS OF THIS SECTION.

17 (2) IN A CIVIL ACTION BROUGHT UNDER PARAGRAPH (1)(I) OF THIS

18 SUBSECTION, THE COURT MAY:

19 (I) GRANT ANY EQUITABLE RELIEF THAT THE COURT

20 CONSIDERS APPROPRIATE, INCLUDING:

21 1. TEMPORARY, PRELIMINARY, OR PERMANENT RELIEF;
22 2. PROVIDING AN AUXILIARY AID OR SERVICE;
23 3. REQUIRING A MODIFICATION OF POLICY, PRACTICE,
24 OR PROCEDURE; AND
25 4. MAKING FACILITIES READILY ACCESSIBLE TO AND
26 USABLE BY INDIVIDUALS WITH DISABILITIES;
27 (II) ASSESS A CIVIL PENALTY AGAINST THE RECIPIENT OF
28 STATE FUNDS; OR
29 (III) AWARD ANY OTHER RELIEF THE COURT CONSIDERS TO BE
30 APPROPRIATE.

HOUSE BILL 1192 7

1 (3) IF A COURT ORDERS INJUNCTIVE RELIEF UNDER PARAGRAPH (1)
2 OF THIS SUBSECTION, THE ORDER SHALL INCLUDE A REQUIREMENT THAT THE
3 FACILITIES BE ALTERED TO MAKE THE FACILITIES READILY ACCESSIBLE TO AND
4 USABLE BY INDIVIDUALS WITH DISABILITIES TO THE EXTENT REQUIRED BY THIS
5 SECTION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to a
7 contract for construction or renovation of an assembly area entered into before the effective
8 date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2019.

MINNESOTA • Enacted 2017

For more information, contact Emory David Dively:

emory.david.dively@state.mn.us

S.F. No. 161 - A bill for an act 1.2

relating to state government; requiring that certain equipment to accommodate 1.3
hearing-impaired people be included in capital improvement projects using state 1.4
funds; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

Section 1. **[16C.053] ACCOMMODATION FOR HARD-OF-HEARING IN STATE-FUNDED
CAPITAL PROJECTS.**

Subdivision 1. **Definition.** For purposes of this section, "public gathering space" means a space that is constructed or renovated as part of the project: (1) that accommodates and 1.10 is intended to be used for gatherings of 15 or more people; and (2) in which audible communications are integral to a use of the space.

Subd. 2. **Accommodation for hard-of-hearing in state-funded capital projects.** No commissioner or agency head may approve a contract or grant state funds for a capital improvement project to construct or renovate a public gathering space in a building unless:

- (1) the project includes equipping the public gathering space, if the public gathering space has or will have a permanent audio-amplification system, with audio-induction loops to provide an electromagnetic signal for hearing aids and cochlear implants; and
- (2) the project includes meeting the American National Standards Institute Acoustical Performance Criteria, Design Requirements and Guidelines for Schools on maximum background noise level and reverberation times in the public gathering space.
- (3)

Subd. 3. **Exemption.** A commissioner or agency head may approve a contract or grant 1.22 state funds for a capital improvement project to construct or renovate a building that does not meet a requirement of subdivision 2, when the commissioner or agency head determines 2.2 that meeting that requirement is not feasible, is in conflict with other requirements in law, 2.3 is in conflict with other project requirements, or that costs outweigh the benefits. The commissioner must consult with the Commission of Deaf, Deafblind, and Hard-of-Hearing Minnesotans before making the determination.

Subd. 4. **Exemption reports.** A commissioner or agency head who determines a contract is exempt under subdivision 3 must report the exemption to the Commission of Deaf, Deafblind, and Hard-of-Hearing Minnesotans within three months of making the determination. The chair of the Commission of Deaf, Deafblind, and Hard-of-Hearing Minnesotans shall submit a report to the chairs and ranking minority members of the committees in the house of representatives and senate with jurisdiction over state contracting by January 30 of even-numbered years beginning in 2020 identifying each exemption reported in the previous two calendar years.

EFFECTIVE DATE. This section is effective the day after enactment, and applies to all projects funded with an appropriation enacted after January 1, 2017, for which requests for bids or proposals are issued after January 1, 2018. For projects for which requests for bids or proposals are issued before January 1, 2018, the commissioners and agency heads are encouraged to comply with this section.

NEBRASKA – State's Commission for Deaf and HoH to be approached to propose legislation mandating telecoil counseling prior to dispensing of HAs.

For more information contact Carol Lomicky at lomickyc@unk.edu

NEW MEXICO- signed into law in April of 2019

For more information, contact Steve Frazier: ccanm@juno.com

HOUSE BILL 0048
54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019
INTRODUCED BY Rep. Patricia Roybal Caballero

AN ACT

RELATING TO HEALTH; REQUIRING THE SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING PRACTICES BOARD TO ISSUE ETHICS RULES REQUIRING AUDIOLOGISTS AND HEARING AID DISPENSERS TO EDUCATE PURCHASERS ABOUT ASSISTIVE LISTENING TECHNOLOGY AND DESIGN OPTIONS THAT ARE IN ACCORDANCE WITH LATEST STANDARDS.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 61-14B-11 NMSA 1978 (being Laws 1996, Chapter 57, Section 11, as amended) is amended to read:
"61-14B-11. BOARD POWERS AND DUTIES.--The board shall:

A. adopt rules and regulations and establish policy necessary to carry out the provisions of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act in accordance with the Uniform Licensing Act;

B. adopt rules implementing continuing education requirements;

C. adopt a code of ethics that includes rules requiring audiologists and hearing aid dispensers, at the time of the initial examination for possible sale and fitting of a hearing aid if a hearing loss is determined, to inform each prospective purchaser about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems. These rules shall be in accordance with the latest standards for accessible design adopted by the United States department of justice in accordance with the federal Americans with Disabilities Act of 1990, as amended;

D. conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of a license in accordance with the Uniform Licensing Act;

E. investigate complaints against licensees by issuing investigative subpoenas prior to the issuance of a notice of contemplated action;

F. establish fees for licensure;

G. provide for the licensing and renewal of licenses of applicants; and

H. adopt rules that provide for licensure by reciprocity, including temporary permits for speech-language pathologists, audiologists or hearing aid dispensers."

NEW YORK STATE - Enacted Unknown

For more information, contact Jerry Bergman: jerbergman1@icloud.com

Hearing Aid Dispensers Rules and Regulations Title 19 NYCRR, Part 192.18(b)(2)

§192.18 Consumers

(a) Complaints. A consumer may register a complaint with any office of the department in person, in writing or by telephone.

(b) Printed educational information. Printed educational materials should include:

(1) Procedures by which a consumer may file a complaint.

(2) General information about the general use of hearing aids and the advantages and disadvantages of monaural and binaural hearing aid use, including: information of the value of hearing aid use for a prospective purchaser; consumer protection piece - what to be aware of in sales pitches and "hard sell" techniques, such as "giveaways" and sales pitches that minimize the need for medical and audiological exams;

· basic "how to" use a hearing aid for a new consumer; and information

· about the advantages of purchasing and using the **telecoil** switch (tswitch).

(3) General information on assistive listening devices (ALDs), including a basic overview of the types of ALDs currently available and how ALDs may be used with hearing aids.

(4) A statement regarding the availability of support groups for people who are deaf and hard of hearing.

(c) Training of consumers.

(1) The dispenser shall instruct new users of hearing aids on basic information about how to use the aid. This training should include, at a minimum, the following:

- basic care and use of the hearing aid;
- communication strategies to adjust to a new hearing aid;
- information on support groups;
- storage of the hearing aid when not being used;
- protection of the hearing aid from perspiration and moisture;
- installation of a battery;
- frequency of necessity to purchase batteries;
- use of the telecoil-switch;
- telephone usage;
- reasonable longevity of the hearing aid;
- information about purchasing insurance to cover loss or damage;
- review of 45 day return policy; and
- review of complaint policy.

(2) Such training may be offered in a group setting provided provisions are made to allow all participants to hear the presentation (e.g., provide ALDs compatible with their hearing aids) and/or to provide written materials, and shall be offered to all new purchasers of hearing.....

NEW YORK STATE – STATUS UNKNOWN (Passed or not?)

STATE OF NEW YORK

517

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Transportation

AN ACT to amend the transportation law, in relation to requiring the
provision of assistive listening systems in New York state public
transportation terminals

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

- 1 Section 1. The transportation law is amended by adding a new section
2 15-d to read as follows:
3 § 15-d. Accessible transportation system; assistive listening systems.
4 1. All public transportation terminals including but not limited to
5 airports, bus stations, rest areas, and railroad stations located within
6 the state shall be equipped and maintained with an assistive listening
7 system for use by people who are hard of hearing who require the use of
8 such a system to improve their reception of sound. Standards for such
9 systems shall be developed by the state fire prevention and building
10 code council upon receiving recommendations from the advisory board on
11 assistive listening systems in places of public assembly, and shall
12 provide for:
13 (a) announcements to passengers, including emergency instructions, to
14 be captioned in real time on screens in airports and rail stations;
15 (b) prominently display appropriate signage and using specific symbols
16 indicating the type of assistive listening systems available; and
17 (c) microphone systems sufficient to support a hearing-aid compatible
18 assistive listening system. Display the universal symbol for assistive
19 listening at ticketing and information booths and the areas where it is
20 available.
21 2. The commissioner is authorized to promulgate such rules and regu-
22 lations as he or she deems necessary to carry out the provisions of this
23 subdivision.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01778-01-7

1 3. The provisions of this section shall not apply to private-use
2 airports or railroad terminals.

3 4. All facilities subject to the provisions of this section shall have
4 a compliant assistive listening system installed and available for
5 public use by a date no later than thirty-six months after this section
6 shall have become a law.

7 5. For purposes of this section:

8 a. "airport" has the same meaning as such term is defined in subdivi-
9 sion five of section two hundred forty of the general business law;

10 b. "assistive listening system" shall mean situational-personal acous-
11 tic communication equipment designed to improve the transmission and
12 auditory reception of sound. Such system shall include but not be limit-
13 ed to the use of standard amplitude modulation, frequency modulation,
14 induction loop, infrared system (IR), or hard wired induction loop
15 system;

16 c. "private-use" refers to an airport terminal, bus station or rail-
17 road station used exclusively by the owner thereof and persons author-
18 ized by such owner;

19 d. "public-use" refers to an airport terminal, bus station, rest area,
20 railroad station or other public transportation terminal available for
21 use by the general public without a requirement for the prior approval
22 of the owner or operator thereof except as may be required by federal
23 law or regulation; and

24 e. "railroad" has the same meaning as such term is defined in section
25 two of this chapter.

26 7 2. The transportation law is amended by adding a new section 15-e to
27 read as follows:

28 7 15-e. Visual emergency alarm. 1. All public transportation terminals
29 including but not limited to airports, bus stations, rest areas, and
30 railroad stations shall be equipped with visual alarm elements suffi-
31 cient to communicate effectively for emergency evacuation measures for
32 use by people who are deaf or hard of hearing no later than thirty-six
33 months after this section shall have become a law.

34 2. Standards for such alarms shall be developed by the state fire
35 prevention and building code council upon receiving recommendations from
36 the advisory board on assistive listening systems in places of public
37 assembly; provided that such visual element shall not utilize blinking
38 lights and shall be designed to minimize the possibility or risk of
39 triggering seizures in persons who have epilepsy or photosensitivity.

40 7 3. This act shall take effect on the one hundred eightieth day after
41 it shall have become a law. Effective immediately, the addition, amend-
42 ment and/or repeal of any rule or regulation necessary for the implemen-
43 tation of this act on its effective date are authorized to be made on or
44 before such effective date.

New York Codes, Rules and Regulations (NYCRR) Title 19: Department of State

Section 192.7. Continuing education

(v) *Infection control and New York State and Federal law, regulation and professional conduct for hearing aid dispensers.* As a condition of renewing a hearing aid dispenser registration, each hearing aid dispenser shall successfully complete a total of 20 continuing education credits per registration period as set forth in section 794 of the General Business Law. At least [two] one of [these] the required credit hours shall be devoted to the subject of infection control as prescribed by the Secretary of State, **at least one of the required credit hours shall be devoted to the subject of telecoil (t-coil) and other assistive listening devices,** and at least one of the required credit hours shall be devoted to the subject of New York State and Federal law, regulations and professional conduct as prescribed by the Secretary of State.

(w) *Infection control and New York State and Federal law, regulation and professional conduct for audiologists.* As a condition of renewing a hearing aid dispenser registration, each audiologist who is registered as a hearing aid dispenser under General Business Law section 790(1)(b), shall successfully complete four continuing education credits relating to the dispensing of hearing aids as set forth in section 794 of the General Business Law. At least [two] one of [these] the required credit hours shall be devoted to the subject of infection control, **at least one of the required credit hours shall be devoted to the subject of telecoil (t-coil) and other assistive listening devices,** and at least one of the required credit hours shall be devoted to the subject of New York State and Federal law, regulations and professional conduct.

Section 798 Business practice; requirements

General Business (GBS)

(e) conspicuously post a sign in at least forty point bold-faced type which states:

"Federal law requires a medical evaluation of your hearing loss by an otolaryngologist, or if none is available, by another licensed physician. You have the right to waive this requirement. If you waive this requirement, you must sign a statement of waiver of your rights". Such sign shall also indicate the toll-free number required under section eight hundred three of this article that individuals wishing to register a complaint can call; and

NEW YORK CITY – enacted 3/21/2017

Int 0882-2015

Version:
* A

Name Requiring that all public meetings be held in facilities
: equipped with assistive listening systems.

Type: Introduction Status: Enacted

Committee: [Committee on Mental Health, Developmental Disability, Alcoholism,
Substance Abuse and Disability Services](#)

On agenda: 8/13/2015

Enactment date: 3/21/2017 Law number: 2017/051

Title: A Local Law amend the New York city charter, in relation to requiring the installation of induction loops systems for certain capital projects paid in whole or in part from the city treasury and requiring the publication of public locations where such systems are available.

Summary: Certain capital projects with an estimated baseline construction cost of \$950,000 or more involving the construction or reconstruction of one or more assembly areas shall be designed and constructed to include in at least one assembly area the installation of an induction loop assistive listening system or an alternative assistive listening system that has been determined by the mayor to be significantly more effective for the hard of hearing than an induction loop system. Each security, information, or reception desk used for the checking-in or screening of persons attending a meeting or event held in a looped assembly area shall be equipped with microloops. Further, directional signage that includes guidance to an assistive listening assembly area must be provided and the entrance to any building containing an assistive listening assembly area and such areas used for the checking-in or screening of persons attending a meeting or event held in such assembly area shall display the international symbol of access for hearing loss and a "T" in the lower right-hand corner of such symbol indicating the availability of an induction loop system or a symbol indicating an alternative system if applicable. The Mayor, or an office designated by the Mayor, shall post on its website, no later than July 1, 2018, and update annually, a list with the locations of facilities owned or operated by the city at which an assistive listening system such as an induction loop, infrared, FM, or other type of system, is permanently available

or in the process of being installed, as well as which type of assistive listening system is permanently available or in the process of being installed, including the cost associated with installation of new assistive listening systems.

A Local Law amend the New York city charter, in relation to requiring the installation of induction loops systems for certain capital projects paid in whole or in part from the city treasury and requiring the publication of public locations where such systems are available.

Be it enacted by the Council as follows:

Section 1. Chapter 9 of the New York city charter is amended by adding a new section 224.3 to read as follows:

§ 224.3 Induction loop systems.

a. As used in this section, the following terms have the following meanings:

Assembly area. The term "assembly area" means an assembly area, as defined in section 106.5 of the

2010 Americans with Disabilities Act standards for accessible design, in which audible communication is integral to the use of the space, except that such term shall not include classrooms in schools; facilities primarily used to deploy first responders, courthouses and outdoor facilities such as athletic fields and stadiums.

Baseline construction cost. The term "baseline construction cost" means the total cost of a proposed capital project not including the cost of installing an assistive listening system.

Capital project. The term "capital project" means a capital project as defined in section 210 of this chapter that is paid for in whole or in part from the city treasury.

b. Each capital project with an estimated baseline construction cost of \$950,000 or more involving the construction or reconstruction of one or more assembly areas shall be designed and constructed to include in at least one assembly area the installation of an induction loop assistive listening system that complies with section N102 of appendix N of the New York city building code, or an alternative assistive listening system that complies with appendix N of the New York city building code that has been determined by the mayor in accordance with subdivision i of this section to be significantly more effective for the hard of hearing than an induction loop system. Each security, information, or reception desk used for the checking-in or screening of persons attending a meeting or event held in a looped assembly area shall be equipped with microloops. This section shall not apply to a capital project involving the reconstruction of an assembly area if the estimated cost of installing an induction loop system or alternative system exceeds 5% of the baseline construction cost of the project.

c. Directional signage that includes guidance to an assistive listening assembly area, including raised graphics and letters with Braille descriptors, must be provided in accordance with section 1110.2 of the New York city building code, and other signage indicating any special accessibility features must be provided in accordance with section 1110.3 of such code .

d. The entrance to any building containing an assistive listening assembly area and any

security, information, or reception area used for the checking-in or screening of persons attending a meeting or event held in such assembly area shall display the international symbol of access for hearing loss pursuant to figure 703.6.3.3 of ICC A117.1-2009 and a "T" in the lower right-hand corner of such symbol indicating the availability of an induction loop system or a symbol indicating an alternative system if applicable.

e. No later than July 1, 2018, the mayor or an office or agency designated by the mayor shall post on its website the locations of facilities owned or operated by the city at which an assistive listening system such as an induction loop, infrared, FM, or other type of system, is permanently available or in the process of being installed, as well as which type of assistive listening system is permanently available or in the process of being installed, including the cost associated with installation of new assistive listening systems. The list shall be updated annually thereafter.

f. This section shall not apply to capital projects involving the construction or reconstruction of assembly areas that are not owned by the city unless 50 percent or more of the estimated cost of such project is to be paid for out of the city treasury, provided that this exemption shall not apply to any capital project that receives \$1,000,000 or more out of the city treasury.

g. The mayor may exempt from this section projects accounting for up to 20% of the capital dollars in each fiscal year subject to this section for the installation of assistive listening systems if in his or her sole judgment such exemption is necessary in the public interest. At the conclusion of each fiscal year the mayor shall report to the council the exemptions granted pursuant to this section, including the basis for such exemption.

h. The mayor or an office or agency designated by the mayor shall promulgate rules to carry out the provisions of this section.

i. Where the mayor determines, after consulting with experts in the field of hearing disabilities and assistive listening systems and advocates for people who are hard of hearing, that there is new technology with respect to an assistive listening system that makes such system significantly more effective than an induction loop system, the mayor may promulgate a rule allowing the use of such system as an alternative to an induction loop system in accordance with subdivision b.

§ 2. This local law takes effect on January 1, 2018, and applies to projects for which an application for construction document approval is filed with the department of buildings on and after such date, except that prior to such effective date the mayor or office or agency designated by the mayor shall take all actions necessary for the timely implementation of this local law, including the promulgation of rules.

LS 2333
NKA/AES
3/8/2017

RHODE ISLAND - Enacted

For more information, contact

2017 Rhode Island General Laws

Title 5 - Businesses and Professions, Chapter 5-49 - Hearing Aid Dealers and Fitters

Section 5-49-3 - Receipt required to be furnished to a person supplied with hearing aid.

Universal Citation: RI Gen L § 5-49-3 (2017)

(d) The receipt shall contain language that verifies that the client has been informed about the benefits of audio switch technology, including increased access to telephones and assistive listening systems required under the "American with Disabilities Act of 1990", and section 504 of the Rehabilitation Act of 1973. The client shall be informed that an audio switch is also referred to as a telecoil, t-coil or t-switch.

UTAH - Enacted 2015

For more information, contact Anne Lobdell: Anne.Lobdell@hsc.utah.edu

Utah Administrative Code - Chapter 249 24 58-46a-502,

58-41-17. Requirements for selling hearing aids.

(1) As used in this section:

(a) "Hearing aid" means a wearable instrument or device designed or offered for the purpose of aiding or compensating for impaired human hearing, including its parts, attachments, or accessories.

(b) "Hearing aid" does not include a device that is surgically implanted in the cochlea or under the skin near the ear.

(2) A person licensed under this chapter who offers to sell a hearing aid to a consumer shall inform the consumer about hearing aids that work with assistive listening systems that are compliant with the ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. .

WASHINGTON – After revisions, bill passed and signed by the governor in April, 2019

For more information, contact Cheri Perazolli: cheripz@gmail.com

AMENDED VERSION FIRST:

5210.E AMH HCW WEIK 069

By Representative Cody

ESB 5210 - H COMM AMD

By Committee on Health Care & Wellness

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. 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.

5210.E AMH HCW WEIK 069 2

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

NEW SECTION. Sec. 2. 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 current

hearing assistive technologies, as defined by the department of health in rule.

(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 current hearing assistive technologies, as defined by the department of health in rule.

(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) 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 the 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.

(5) The department must adopt rules necessary to implement this section. The department may consider a number of factors in

5210.E AMH HCW WEIK 069 3

defining current hearing assistive technologies, but must consider whether hearing assistive technologies are compatible with assistive listening systems that are compliant with the Americans with disabilities act.

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

The office of the 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

technologies as defined by the department of health in rule."

EFFECT: Removes references to specific types of hearing assistive technologies, and instead requires the Department of Health to define in rule the hearing assistive technologies about which a person purchasing a hearing instrument must be notified. Corrects references to the Office of the Deaf and Hard of Hearing.
--- END ---

5210.E AMH HCW WEIK 069 By Representative Cody ESB 5210 - H COMM AMD By Committee on Health Care & Wellness Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. 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. 5210.E AMH HCW WEIK 069 2 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 Therefore, the legislature intends to increase consumer awareness of benefits and uses of the different types of hearing instruments and technologies. NEW SECTION. Sec. 2. 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 current hearing assistive technologies, as defined by the department of health in rule. (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 current hearing assistive technologies, as defined by the department of health in rule. (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) 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 the 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. (5) The department must adopt rules necessary to implement this section. The department may consider a number of factors in 5210.E AMH HCW WEIK 069 3 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 defining current hearing assistive technologies, but must consider whether hearing assistive technologies are compatible with assistive listening systems that are compliant with the Americans with disabilities act. NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows: The office of the 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 technologies as defined by the department of health in rule." EFFECT: Removes references to specific types of hearing assistive technologies, and instead requires the Department of Health to define in rule the hearing assistive technologies about which a person purchasing a hearing instrument must be notified. Corrects references to the Office of the Deaf and Hard of Hearing. --- END ---

S-0512.1 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. p. 1 SB 5210 1 hearing instrument a person cannot effectively access mandated assistive listening systems.

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 system
requirements.

7

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

10

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

12

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

14

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 that:

18

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 U.S.C. Sec. 12101 et
23 seq.; and

23

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

25

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 this section.

35

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

p. 2 SB 5210

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

2 NEW SECTION. Sec. 3. A new section is added to chapter 4

3.20A RCW to read as follows;

4

5 The office of deaf and hard of hearing shall develop educational
6 materials to be distributed by hearing aid dispensers, including
7 audiologists, to persons with hearing loss that explains the uses,
8 benefits, and limitations of current hearing assistive technology,
9 including telecoil and bluetooth, and how a person can access

10 assistive listening systems using telecoil-enabled hearing instruments.11 --- END ---

**WISCONSIN- Pending (Current drafts of two different laws) work is still being done on
the wording effective 1/25/2019.**

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT *to renumber* 459.035; *to renumber and amend* 459.24 (3m) (a); *to amend* 459.03 (2) (a); *to repeal and recreate* 459.035 (title); and *to create* 146.50, 227.01 (13) (t), 459.03 (2) (c), 459.035 (2), 459.24 (3m) (a) 1. and 2., 459.24 (3m) (c) and 459.24 (3m) (d) of the statutes; **relating to:** requirements for hearing instrument specialists and audiologists relating to telecoils and hearing loop technology.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 146.50 of the statutes is created to read:

146.50 Telecoils and hearing loop technology; information. The department shall develop a pamphlet or other written information that may be

SECTION 1

provided to prospective purchasers of hearing aids regarding the operation and benefits of telecoils in hearing aids, including the benefits of the use of a telecoil in conjunction with hearing loop technology.

SECTION 2. 227.01 (13) (t) of the statutes is created to read:

227.01 **(13)** (t) Is a pamphlet or other written information developed under s. 146.50.

SECTION 3. 459.03 (2) (a) of the statutes is amended to read:

459.03 **(2)** (a) The terms of the guarantee, if there is any given; and.

SECTION 4. 459.03 (2) (c) of the statutes is created to read:

459.03 **(2)** (c) Language that requires the client or other purchaser to verify all of the following:

1. That the client or purchaser has received any information required under s. 459.035 (2) (a).
2. If the client or purchaser has purchased a hearing aid that has a telecoil, that the client or purchaser has been provided the demonstration required under s. 459.035 (2) (b).

SECTION 5. 459.035 (title) of the statutes is repealed and recreated to read:

459.035 (title) Practice requirements and limitations.

SECTION 6. 459.035 of the statutes is renumbered 459.035 (1).

SECTION 7. 459.035 (2) of the statutes is created to read:

459.035 **(2)** (a) 1. A licensee or permit holder under this subchapter shall do all of the following at the time of an initial examination for the fitting and sale of a hearing aid, except as provided in subd. 2.:

- a. Inform the prospective client or other purchaser about the operation and benefits of telecoils in hearing aids, including the benefits of the use of a telecoil in conjunction with hearing loop technology.
 - b. Provide the prospective client or other purchaser with a copy of the pamphlet or other information developed by the department of health services under s. 146.50.
2. If a licensee or permit holder believes that a prospective client may not be an appropriate candidate for a hearing aid with a telecoil and the client is accompanied by an individual other than the client, the licensee or permit holder shall consult with that individual or the client's parent or guardian. If, following that consultation, the licensee or permit holder confirms that the prospective client is not an appropriate candidate for a hearing aid with a telecoil, the licensee or permit holder is not required to comply with subd. 1.
- (b) If the client or other purchaser purchases a hearing aid that has a telecoil, the licensee or permit holder shall demonstrate for the client or purchaser the proper use of the telecoil.

SECTION 8. 459.24 (3m) (a) of the statutes is renumbered 459.24 (3m) (a) (intro.) and amended to read:

459.24 **(3m)** (a) (intro.) Deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address, license or permit title, and number of the licensee or permittee, together with specifications as to the make and model of the hearing aid and full terms of sale clearly stated. If a hearing aid that is not new is sold, the receipt and the container must be clearly marked as "used" or "reconditioned", whichever is applicable. The terms of the guarantee, if there is any given, receipt shall be contain all of the following information, set out in not less than 8-point type.:

SECTION 9. 459.24 (3m) (a) 1. and 2. of the statutes are created to read:

459.24 **(3m)** (a) 1. The terms of the guarantee, if there is any given.

2. Language that requires the client or other purchaser to verify all of the following:

- a. That the client or purchaser has received any information required under par. (c).
- b. If the client or purchaser has purchased a hearing aid that has a telecoil, that

the client or purchaser has been provided the demonstration required under par. (d).

SECTION 10. 459.24 (3m) (c) of the statutes is created to read:

459.24 **(3m)** (c) 1. Do all of the following at the time of an initial examination for the fitting and sale of a hearing aid, except as provided in subd. 2.:

- a. Inform the prospective client or other purchaser about the operation and benefits of telecoils in hearing aids, including the benefits of the use of a telecoil in conjunction with hearing loop technology.
 - b. Provide the prospective client or other purchaser with a copy of the pamphlet or other information developed by the department of health services under s. 146.50.
2. If an audiologist believes that a prospective client may not be an appropriate candidate for a hearing aid with a telecoil and the client is accompanied by an individual other than the client, the audiologist shall consult with that individual or the client's parent or guardian. If, following that consultation, the audiologist confirms that the prospective client is not an appropriate candidate for a hearing aid with a telecoil, the audiologist is not required to comply with subd. 1.

SECTION 11. 459.24 (3m) (d) of the statutes is created to read:

459.24 **(3m)** (d) If a client or other purchaser purchases a hearing aid that has a telecoil, demonstrate the proper use of the telecoil.**SECTION 12**

SECTION 12. Effective date.

(1) This act takes effect on the first day of the 10th month beginning after publication.

(END)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT *to create* 16.853 of the statutes; **relating to:** [installation of hearing loop technology in certain new and renovated state buildings and granting rule-making authority.](#)

Analysis by the Legislative Reference Bureau

Under this bill, each space that is constructed or renovated in a building that is owned, leased, or occupied by the state must be equipped with a hearing loop system if the space is intended to be used for gatherings of 15 or more people and audible communications are integral to a use of the space. The bill defines a “hearing loop system” as an assistive listening technology that consists of a physical loop of one or more cables that generates a magnetic field in the looped area and transmits sound directly to hearing aids, cochlear implants, and other listening devices.

Under the bill, the Department of Administration may approve an exemption from the bill's requirement to install a hearing loop system under certain circumstances. DOA must do all of the following with respect to approved exemptions:

1. Create a notice and comment process for each approved exemption.
2. Consider available alternative measures in lieu of installation of a permanent hearing loop system.

3. Submit a quarterly report to the legislature describing in detail each approved exemption, the reasons for the exemption, and the consideration and approval of alternative measures.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.853 of the statutes is created to read:

16.853 Installation of hearing loop technology. (1) In this section:

(a) "Hearing loop system" means an assistive listening technology that consists of a physical loop of one or more cables that generates a magnetic field in the looped area and transmits sound directly to hearing aids, cochlear implants, and other listening devices.

(b) "Public gathering space" means a space that is intended to be used for gatherings of 15 or more people if audible communications are integral to a use of the space.

(2) The department shall ensure that each constructed or renovated public gathering space in a building that is owned, leased, or occupied by the state is equipped with a hearing loop system.

(3) (a) The department, after consulting with the department of health services, may exempt the construction or renovation of a public gathering space from the requirement to install a hearing loop system under sub. (2) if the department determines that any of the following applies:

1. Installation of a hearing loop system is not feasible.
2. Installation of a hearing loop system conflicts with other legal requirements.
3. Installation of a hearing loop system conflicts with other project requirements.
4. The cost to install a hearing loop system is prohibitive.

SECTION 1

(b) The department shall promulgate rules establishing a process for public notice and comment on each decision to approve an exemption under par. (a), including any approval of an alternative measure under par. (c). The department shall publish the notice in such a manner as to maximize notification to the hard-of-hearing community and other interested persons. The department shall consider all public comments made regarding the exemption before implementing the decision.

(c) Before the department approves an exemption under par. (a), the department shall consider available alternative measures in lieu of installation of a permanent hearing loop system, including providing portable hearing loops or portable FM systems with neckloops.

(d) The department shall submit quarterly reports to the appropriate standing committees of the legislature under s. 13.172 (3) that describe in detail each exemption approved by the department under par. (a) in the previous quarter,

including the reasons for the exemption and a description of each alternative measure considered or approved under par. (c).

SECTION 2. Initial applicability.

(1) This act first applies to the construction or renovation of a public gathering space that commences on the effective date of this subsection.

(END)