

Senate Bill 558

Sponsored by Senator GELSER BLOUIN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts from regulation by Advisory Council on Hearing Aids and Health Licensing Office over-the-counter hearing aid. Defines "over-the-counter hearing aid."

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to over-the-counter hearing aids; amending ORS 694.015, 694.025 and 694.032; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 694.015 is amended to read:

6 694.015. As used in ORS 694.015 to 694.170, unless the context requires otherwise:

7 [(1) "*Council*" means the Advisory Council on Hearing Aids, created within the Health Licensing
8 Office.]

9 [(2)] (1) "Dealing in hearing aids" means the sale, lease or rental or attempted sale, lease or
10 rental of hearing aids in conjunction with the evaluation or measurement of the powers or range
11 of human hearing and the recommendation, selection or adaptation of hearing aids.

12 [(3)](2)(a) "Hearing aid" means any prosthetic instrument or device designed for or represented
13 as aiding, improving or correcting defective human hearing and any parts, attachments or accesso-
14 ries of such an instrument or device. [A hearing aid is not intended to include]

15 **(b) "Hearing aid" does not include:**

16 **(A)** Any device which is surgically implanted or otherwise medically inserted by a physician li-
17 censed by ORS chapter 677 for the purpose of treating or correcting a hearing impairment[.]; **or**

18 **(B) An over-the-counter hearing aid.**

19 **(3) "Over-the-counter hearing aid" has the meaning given that term in 21 C.F.R. 800.30.**

20 **SECTION 2.** ORS 694.025 is amended to read:

21 694.025. (1) A person may not deal in hearing aids or display a sign or in any other way ad-
22 vertise or represent that the person deals in hearing aids unless the person holds an active license
23 issued by the Health Licensing Office as provided in ORS 694.015 to 694.170.

24 (2) Notwithstanding subsection (1) of this section, ORS 694.015 to 694.170 do not apply to:

25 (a) An audiologist licensed under ORS chapter 681.

26 (b) A physician licensed under ORS chapter 677.

27 **(c) A person involved in the sale of an over-the-counter hearing aid.**

28 **SECTION 3.** ORS 694.032 is amended to read:

29 694.032. (1) It [shall be] **is** unlawful for any person to offer for sale or sell a hearing aid in this
30 state by direct mail.

31 (2) Any offer for sale or sale of a hearing aid in this state must include the availability of fitting

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 the hearing aid in this state prior to the sale.

2 (3) Nothing in this section is intended to prohibit:

3 (a) Advertising by mail or delivery of a hearing aid by mail if the fitting and sale were com-
4 pleted in this state.

5 (b) **The sale by direct mail of an over-the-counter hearing aid.**

6 **SECTION 4. This 2023 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
8 **on its passage.**

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