



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-3913/1

JPC:skw

## 2023 SENATE BILL 373

August 9, 2023 - Introduced by Senators CABRAL-GUEVARA, CARPENTER, FELZKOWSKI, KNODL, SPREITZER and TAYLOR, cosponsored by Representatives STUBBS, SORTWELL, ANDRACA, BALDEH, BODDEN, CABRERA, DITTRICH, GOEBEN, GUSTAFSON, JACOBSON, JOERS, MOORE OMOKUNDE, MURSAU, MYERS, OHNSTAD, ORTIZ-VELEZ, PALMERI, SHANKLAND, SNODGRASS, SUBECK and VINING. Referred to Committee on Health.

**AN ACT** *to amend* 459.03 (1); and *to create* 459.02 (3) and 459.03 (1m) of the statutes; **relating to:** selling and fitting over-the-counter hearing aids.

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***Analysis by the Legislative Reference Bureau***

Under current law, no person may engage in the practice of selling or fitting hearing aids unless he or she holds a license as a hearing instrument specialist issued by the Department of Safety and Professional Services or a license as an audiologist issued by the Hearing and Speech Examining Board. This bill provides that no license is required to sell or fit an over-the-counter hearing aid, as defined under federal law. Under federal law, air-conduction hearing aids may be sold over the counter without a prescription under certain circumstances.

Further, under current law, a hearing instrument specialist who engages in the practice of selling or fitting hearing aids must deliver to each person supplied with a hearing aid a receipt that contains certain information. The bill provides that a hearing instrument specialist is not required to deliver a receipt to a person supplied with a hearing aid if the hearing aid is an over-the-counter hearing aid, as defined under federal law.

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

**SENATE BILL 373****SECTION 1**

**SECTION 1.** 459.02 (3) of the statutes is created to read:

459.02 (3) No license is required under this subchapter or subch. II to sell or fit an over-the-counter hearing aid, as defined in 21 USC 360j (q).

**SECTION 2.** 459.03 (1) of the statutes is amended to read:

459.03 (1) A Except as provided in sub. (1m), a hearing instrument specialist who engages in the practice of fitting and dealing in hearing aids shall deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address and license title and number of the hearing instrument specialist, together with specifications as to the make and model of the hearing aid furnished and full terms of sale clearly stated. If a hearing aid which is not new is sold, the receipt and the container thereof must be clearly marked as “used” or “reconditioned” whichever is applicable.

**SECTION 3.** 459.03 (1m) of the statutes is created to read:

459.03 (1m) A hearing instrument specialist is not required to deliver a receipt to a person supplied with a hearing aid if the supplied hearing aid is an over-the-counter hearing aid, as defined in 21 USC 360j (q).

**(END)**