STATE OF NEW YORK

9690

IN SENATE

May 21, 2024

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to the dispensing of hearing aids

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

Section 1. Section 802 of the general business law, as added by chapter 599 of the laws of 1998, subdivision 1 as designated and subdivision 2 as added by chapter 301 of the laws of 2000, is amended to read as follows:

§ 802. Special provisions; [~~not-for-profit~~] **fair market value** sales. 1. [~~No~~] **Where a medical evaluation of hearing loss is required by federal or state law prior to the dispensing of a hearing aid, an** otolaryngologist or other licensed physician who has conducted a medical evaluation of hearing loss [~~shall engage in the business of dispensing hearing aids for a profit~~] **may dispense such hearing aid, and necessary items or services furnished in connection therewith**. No otolaryngologist or other licensed physician who has dispensed a hearing aid shall refuse or fail to perform repairs or service on any hearing aid that they have dispensed. **Notwithstanding the foregoing, any hearing aid and other necessary items or services, including repairs or service on any hearing aid, provided by such otolaryngologist or other licensed physician, shall be sold at fair market value.**

2. Every licensed physician who engages in the dispensing of hearing aids in compliance with the provisions of this section shall be required to comply with sections seven hundred ninety-one, seven hundred ninety-eight and eight hundred three of this article, in addition to compliance with this section.

§ 2. This act shall take effect immediately.

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

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