

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:

1 Section 1. Section 802 of the general business law, as added by chap-
2 ter 599 of the laws of 1998, subdivision 1 as designated and subdivision
3 2 as added by chapter 301 of the laws of 2000, is amended to read as
4 follows:

5 § 802. Special provisions; ~~[not-for-profit]~~ fair market value sales.
6 1. ~~[No]~~ Where a medical evaluation of hearing loss is required by feder-
7 al or state law prior to the dispensing of a hearing aid, an otolaryn-
8 gologist or other licensed physician who has conducted a medical evalu-
9 ation of hearing loss ~~[shall engage in the business of dispensing~~
10 ~~hearing aids for a profit]~~ may dispense such hearing aid, and necessary
11 items or services furnished in connection therewith. No otolaryngolo-
12 gist or other licensed physician who has dispensed a hearing aid shall
13 refuse or fail to perform repairs or service on any hearing aid that
14 they have dispensed. Notwithstanding the foregoing, any hearing aid and
15 other necessary items or services, including repairs or service on any
16 hearing aid, provided by such otolaryngologist or other licensed physi-
17 cian, shall be sold at fair market value.

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

23 § 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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