

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 552 - L.D. 1413

**An Act to Amend Laws Governing Hearing Aid Dealers to Allow an
Exception to Certain Hearing Examination Requirements**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §17305, sub-§6, ¶K, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

K. A Except as authorized in this paragraph, a dealer-licensee may not sell or furnish a hearing aid to a person 18 years of age or younger without a written statement, signed by a physician with specialized training in the field of otolaryngology, that the person has had an ear or hearing examination within 90 days of the purchase or furnishing of the hearing aid and that a hearing aid is recommended for the person. The board shall adopt rules for the requirements for reexamination. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The board shall by rule list and define certain medical conditions affecting hearing. If a dealer has notice of the existence of one or more of the conditions in the case of a prospective purchaser of a hearing aid, whether by the dealer-licensee's observation of the prospective purchaser or by information furnished by the prospective purchaser, fitting of the hearing aid must be delayed until the purchaser has had an ear or hearing examination administered by a physician with specialized training in the field of otolaryngology or by an audiologist who, as a result of such an examination, recommends in writing a hearing aid for the prospective purchaser. Unless prohibited by federal law or regulation, a dealer-licensee may sell or furnish a replacement hearing aid of the same specifications as the original hearing aid to a prospective purchaser of any age without evidence that the prospective purchaser has had a recent ear or hearing examination if the prospective purchaser typically wears or is currently using a hearing aid; is seeking to replace a recently lost, stolen, broken or failing hearing aid; and is unable to attend a hearing examination because the prospective purchaser is too ill or infirm to do so safely.

~~Nothing in this~~ This chapter may not be construed to require an ear or hearing examination by a physician or audiologist of a person who objects to the examination

on the grounds that the examination conflicts with the tenets and practices of a church or religious denomination of which the person is a member or adherent.