

By: Zaffirini

S.B. No. 904

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of hearing instrument fitters and dispensers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 401.2021, Occupations Code, is amended to read as follows:

Sec. 401.2021. RULES FOR HEARING INSTRUMENTS. The ~~[With the assistance of the advisory board and the Hearing Instrument Fitters and Dispensers Advisory Board, the]~~ commission shall adopt rules to establish requirements for each sale of a hearing instrument for purposes of this chapter and Chapter 402. The rules must:

(1) address:

(A) the information and other provisions required in each written contract for the purchase of a hearing instrument;

(B) records that must be retained under this chapter or Chapter 402; and

(C) guidelines for the 30-day trial period during which a person may cancel the purchase of a hearing instrument; and

(2) require that the written contract and 30-day trial period information provided to a purchaser of a hearing instrument be in plain language designed to be easily understood by the average consumer.

SECTION 2. Section 402.1021, Occupations Code, is amended to read as follows:

Sec. 402.1021. RULES FOR HEARING INSTRUMENTS. The [~~With the assistance of the advisory board and the Speech-Language Pathologists and Audiologists Advisory Board, the~~] commission shall adopt rules to establish requirements for each sale of a hearing instrument for purposes of this chapter and Chapter 401. The rules must:

(1) address:

(A) the information and other provisions required in each written contract for the purchase of a hearing instrument;

(B) records that must be retained under this chapter or Chapter 401; and

(C) guidelines for the 30-day trial period during which a person may cancel the purchase of a hearing instrument; and

(2) require that the written contract and 30-day trial period information provided to a purchaser of a hearing instrument be in plain language designed to be easily understood by the average consumer.

SECTION 3. Section 402.305, Occupations Code, is amended to read as follows:

Sec. 402.305. CONTINUING EDUCATION EXEMPTIONS. The department may renew the license of a license holder who does not comply with the applicable continuing education requirements if the license holder [+]

~~[(1) was licensed for the first time during the 24~~

1 ~~months before the reporting date, or~~

2 ~~[(2)]~~ submits proof from an attending physician that
3 the license holder suffered a serious or disabling illness or
4 physical disability that prevented compliance with the continuing
5 education requirements during the 24 months before the reporting
6 date.

7 SECTION 4. Section 402.402(a), Occupations Code, is amended
8 to read as follows:

9 (a) A licensed hearing instrument fitter and dispenser may
10 not sell a hearing instrument to a person under 18 years of age
11 unless the prospective user or a parent or guardian of the
12 prospective user has presented to the hearing instrument fitter and
13 dispenser a written statement~~[7]~~ signed by a licensed physician,
14 including a physician who specializes ~~[specializing]~~ in diseases of
15 the ear, that states that the patient's hearing loss has been
16 medically evaluated and that the patient may be considered a
17 candidate for a hearing instrument.

18 SECTION 5. Section 402.402(a), Occupations Code, as amended
19 by this Act, applies only to conduct that occurs on or after the
20 effective date of this Act. Conduct that occurs before the
21 effective date of this Act is governed by the law in effect on the
22 date the conduct occurred, and the former law is continued in effect
23 for that purpose.

24 SECTION 6. This Act takes effect September 1, 2025.