~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 15, 2014

**S. 1056**

Introduced by Senators Turner, Campbell and Reese

S. Printed 5/15/14--H.

Read the first time April 29, 2014.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 1056) to amend Section 40‑25‑60 of the 1976 Code, relating to the license required to engage in the practice of specializing in hearing aids, to provide that no, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Labor, Licensing and Regulation estimates this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 40‑25‑60 OF THE 1976 CODE, RELATING TO THE LICENSE REQUIRED TO ENGAGE IN THE PRACTICE OF SPECIALIZING IN HEARING AIDS, TO PROVIDE THAT NO PERSON MAY ENGAGE IN THE PRACTICE OF SPECIALIZING IN HEARING AIDS OR DISPLAY A SIGN OR IN ANOTHER WAY ADVERTISE OR REPRESENT HIMSELF AS A PERSON WHO ENGAGES IN THE PRACTICE OF SPECIALIZING IN HEARING AIDS OR OFFER FOR THE SALE OF HEARING AIDS THROUGH THE MAIL, INTERNET, OR OTHER MEANS, UNLESS HE HOLDS AN UNSUSPENDED, UNREVOKED LICENSE ISSUED BY THE DEPARTMENT AND PROVIDES FOR THE DIRECT FITTING, SALE, AND DELIVERY OF THE PRODUCTS, AND TO PROVIDE THAT NOTHING IN THIS CHAPTER PROHIBITS A PERSON FROM ENGAGING IN THE BUSINESS OF SELLING OR OFFERING FOR SALE HEARING AIDS THROUGH THE MAIL, INTERNET, OR OTHER MEANS TO DISTRIBUTORS, DEALERS, OR SPECIALISTS LICENSED IN THIS STATE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑25‑60 of the 1976 Code is amended to read:

“Section 40-25-60. (A) No person may engage in the practice of specializing in hearing aids or display a sign or in another way advertise or represent himself as a person who engages in the practice of specializing in hearing aids ~~after January 1, 1972~~ or offer for the sale of hearing aids through the mail, internet, or other means unless he holds an unsuspended, unrevoked license issued by the department under this chapter and provides for the direct fitting, sale, and delivery of the products. The license number must be listed in an advertisement or a representation. The license must be posted conspicuously in his office or place of business. Duplicate licenses must be issued by the department to valid license holders operating more than one office without additional payment. A license under this chapter confers upon the holder the right to perform only those hearing tests necessary to select, fit, and sell hearing aids.

(B) Nothing in this chapter prohibits a corporation, partnership, trust, association, or like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing aids at retail or otherwise without a license, if it employs or contracts with only properly licensed natural persons in the direct sale and fitting of the products.

(C) Nothing in this chapter prohibits a person from engaging in the business of selling or offering for sale hearing aids through the mail, internet, or other means to distributors, dealers, or other persons engaged in the practice of specializing in hearing aids that are licensed in this State.

(D) Nothing in this chapter prohibits the sale of hearing aids through the mail, internet, or any other means if the sale is made pursuant to the direct prescribed recommendation of a person holding an unsuspended, unrevoked license issued by the department pursuant to this chapter.”

SECTION 2. This act takes effect upon approval by the Governor.

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