~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 10, 2015

**S. 167**

Introduced by Senators Turner and Campbell

S. Printed 3/10/15--S.

Read the first time January 13, 2015.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (S. 167) to amend Section 40‑25‑60, Code of Laws of South Carolina, 1976, relating to the requirement of a license for the practice of specializing in hearing aids, etc., respectfully

**REPORT:**

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

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 40‑25‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT OF A LICENSE FOR THE PRACTICE OF SPECIALIZING IN HEARING AIDS, SO AS TO EXPAND APPLICABILITY OF THE REQUIREMENT TO INCLUDE OFFERS TO SELL HEARING AIDS THROUGH MAIL, INTERNET, OR OTHER MEANS; TO REVISE AN EXCLUSION FOR BUSINESSES THAT EMPLOY LICENSEES TO ALSO INCLUDE BUSINESSES THAT CONTRACT WITH LICENSEES TO SELL AND FIT HEARING AIDS; 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 OTHER PERSONS ENGAGED IN THE PRACTICE OF SPECIALIZING IN HEARING AIDS THAT ARE LICENSED IN THIS STATE; AND TO PROVIDE THAT 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.

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.

‑‑‑‑XX‑‑‑‑