

**Effective 5/12/2015**

**58-41-17 Requirements for selling hearing aids.**

- (1) As used in this section:
  - (a) "Hearing aid" means a wearable instrument or device designed or offered for the purpose of aiding or compensating for impaired human hearing, including its parts, attachments, or accessories.
  - (b) "Hearing aid" does not include a device that is surgically implanted in the cochlea or under the skin near the ear.
- (2) A person licensed under this chapter who offers to sell a hearing aid to a consumer shall inform the consumer about hearing aids that work with assistive listening systems that are compliant with the ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.
- (3) A person licensed under this chapter who sells a hearing aid to a consumer shall provide a written receipt or written contract to the consumer that provides the consumer with a 30-day right to cancel the purchase and to obtain a refund if the consumer returns the hearing aid to the seller in the same condition as when purchased, excluding ordinary wear and tear.
- (4) The written receipt or contract shall notify the consumer of the 30-day right to cancel in at least 12-point font.
- (5) The 30-day right to cancel shall commence from the date the hearing aid is originally delivered to the consumer or the date the written receipt or contract is delivered to the consumer, whichever is later.
- (6) The 30-day period shall be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original delivery.
- (7) Upon exercise of the 30-day right to cancel a hearing aid purchase, the seller of the hearing aid is entitled to a cancellation fee equal to the actual cost that will be incurred by the seller in order to return the hearing aid to the manufacturer, provided that the written receipt or contract states the exact amount that will be retained by the seller as a cancellation fee.

Amended by Chapter 252, 2015 General Session