

First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 07-0132.01 Kristen Forrestal

SENATE BILL 07-208

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SENATE SPONSORSHIP

Schwartz,

HOUSE SPONSORSHIP

Green,

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Senate Committees  
Business, Labor and Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF PERSONS WHO TREAT THE HEARING  
102 IMPAIRED, AND, IN CONNECTION THEREWITH, CONTINUING THE  
103 REGISTRATION OF AUDIOLOGISTS AND HEARING AID PROVIDERS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Sunset Process - Senate Business, Labor, and Technology Committee.** Continues the registration of audiologists and registered hearing aid providers by the division of registrations within the department of regulatory agencies until July 1, 2012. Defines the "practice of audiology". Deletes the requirement that hearing aid providers keep records of minor accessories provided to customers.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

Changes terminology to require that cerumen accumulation in the ear be significant prior to requiring a recommendation to consult a physician. Clarifies that a buyer of a hearing aid is entitled to cancel a purchase and receive a refund only if the hearing aid was not lost or significantly damaged beyond repair. Moves provisions regarding deceptive trade practices of hearing aid providers from the "Colorado Consumer Protection Act" to the article governing audiologists and hearing aid providers.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Repeal.** 6-1-701, Colorado Revised Statutes, is  
3 repealed.

4           **SECTION 2.** 6-1-114, Colorado Revised Statutes, is amended to  
5 read:

6           **6-1-114. Criminal penalties.** Upon a first conviction any person  
7 who promotes a pyramid promotional scheme in this state or who violates  
8 any provision of ~~section 6-1-701~~ PART 3 OF ARTICLE 5.5 OF TITLE 12,  
9 C.R.S., is guilty of a class 1 misdemeanor, as defined in section  
10 18-1.3-501, C.R.S., and upon a second or subsequent conviction is guilty  
11 of a class 6 felony, as defined in section 18-1.3-401, C.R.S.

12           **SECTION 3.** 6-1-501 (7) (a), Colorado Revised Statutes, is  
13 amended to read:

14           **6-1-501. Definitions.** As used in this part 5, unless the context  
15 otherwise requires:

16           (7) "Facilitative device" means a device that has a retail price  
17 equal to or greater than one hundred dollars and that is exclusively  
18 designed and manufactured to assist a person with a disability with such  
19 person's specific disability, through the use of facilitative technology, to  
20 be self-sufficient or to maintain or improve that person's quality of life.

21 "Facilitative device" does not include wheelchairs as that term is defined

1 in section 6-1-402 (17). "Facilitative device" does include the following:

2 (a) Telephone communication devices for the hearing impaired  
3 and other facilitative listening devices except for hearing aids as defined  
4 in ~~section 6-1-701 (1) (c) (F)~~ SECTION 12-5.5-301 (4), C.R.S., and cochlear  
5 implants as defined in ~~section 6-1-701 (1) (c) (H)~~ SECTION 12-5.5-301 (2),  
6 C.R.S.;

7 **SECTION 4.** The introductory portion to 12-5.5-101 (1),  
8 Colorado Revised Statutes, is amended, and the said 12-5.5-101 is further  
9 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

10 **12-5.5-101. Definitions.** As used in this part 1, unless the context  
11 otherwise requires:

12 (1) "Audiologist" means a person who meets the following  
13 requirements: ~~except that an audiologist who is engaged in the practice~~  
14 ~~of audiology on or before July 1, 1995, shall demonstrate compliance~~  
15 ~~with such requirements not later than July 1, 1997:~~

16 (3.5) "PRACTICE OF AUDIOLOGY" MEANS:

17 (a) THE APPLICATION OF PRINCIPLES, METHODS, AND PROCEDURES  
18 RELATED TO THE DEVELOPMENT AND DISORDERS OF THE HUMAN  
19 AUDITORY-VESTIBULAR SYSTEM, THAT SHALL INCLUDE ANY AND ALL  
20 CONDITIONS WHETHER OF ORGANIC OR FUNCTIONAL ORIGIN, INCLUDING,  
21 BUT NOT LIMITED TO, DISORDERS OF HEARING, BALANCE, TINNITUS,  
22 AUDITORY PROCESSING, AND OTHER NEURAL FUNCTIONS, AS THOSE  
23 PRINCIPLES, METHODS, AND PROCEDURES ARE TAUGHT IN DOCTORAL  
24 PROGRAMS IN AUDIOLOGY IN ACCREDITED PROGRAMS. THE PRINCIPLES,  
25 METHODS, OR PROCEDURES INCLUDE DIAGNOSIS, ASSESSMENT,  
26 MEASUREMENT, TESTING, APPRAISAL, EVALUATION, REHABILITATION,  
27 TREATMENT, PREVENTION, CONSERVATION, IDENTIFICATION,

1 CONSULTATION, COUNSELING, INTERVENTION, MANAGEMENT,  
2 INTERPRETATION, INSTRUCTION, OR RESEARCH RELATED TO HEARING,  
3 VESTIBULAR FUNCTION, BALANCE AND FALL PREVENTION, AND  
4 ASSOCIATED NEURAL SYSTEMS, OR ANY ABNORMAL CONDITION RELATED  
5 TO TINNITUS, AUDITORY SENSITIVITY, ACUITY, FUNCTION OR PROCESSING,  
6 SPEECH, LANGUAGE, OR OTHER ABERRANT BEHAVIOR RESULTING FROM  
7 HEARING LOSS, FOR THE PURPOSE OF DIAGNOSING, DESIGNING, AND  
8 IMPLEMENTING AUDIOLOGICAL MANAGEMENT AND TREATMENT OR OTHER  
9 PROGRAMS FOR THE AMELIORATION OF SUCH DISORDERS AND CONDITIONS.  
10 MANAGEMENT AND TREATMENT SHALL INCLUDE, BUT NOT BE LIMITED TO,  
11 THE ACTIVITIES DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3.5).

12 (b) ENGAGING IN THE PRACTICE OF PRESCRIBING, SELECTING,  
13 SPECIFYING, EVALUATING, ASSISTING IN THE ADJUSTMENT TO, AND  
14 DISPENSING OF PROSTHETIC DEVICES FOR HEARING LOSS INCLUDING, BUT  
15 NOT LIMITED TO, HEARING AIDS AND HEARING ASSISTIVE DEVICES BY  
16 MEANS OF SPECIALIZED AUDIOMETRIC EQUIPMENT OR BY ANY OTHER  
17 MEANS ACCEPTED BY THE DIRECTOR.

18 **SECTION 5.** 12-5.5-102 (1), Colorado Revised Statutes, is  
19 amended to read:

20 **12-5.5-102. Registration required - application - bond.** (1) An  
21 audiologist shall register with the division of registrations before  
22 performing audiology services in this state. Upon registering, the  
23 audiologist shall be given a certificate of registration bearing a unique  
24 registration number. The audiologist shall include the registration  
25 number on all written contracts and receipts, as required pursuant to  
26 ~~section 6-1-701 (2) (e) (III) (B), C.R.S.~~ SECTION 12-5.5-302 (1) (e) (III)  
27 (B).

1           **SECTION 6.** 12-5.5-202 (1) and (2) (a), Colorado Revised  
2 Statutes, are amended to read:

3           **12-5.5-202. Registration required - application - bond.** (1) A  
4 ~~registered~~ hearing aid provider shall register pursuant to this part 2 before  
5 selling or negotiating to sell, directly or indirectly, any hearing device for  
6 the hearing impaired unless such provider holds a current registration  
7 pursuant to part 1 of this article. Upon registering, the registered hearing  
8 aid provider shall be given a certificate of registration bearing a unique  
9 registration number. The registered hearing aid provider shall include the  
10 registration number on all written contracts and receipts, as required  
11 pursuant to section ~~6-1-701 (2) (e) (III) (B), C.R.S.~~ 12-5.5-302 (1) (e)  
12 (III) (B). A registered hearing aid provider who is also an audiologist and  
13 is registered only under part 1 of this article shall include the registration  
14 number issued pursuant to such part 1 on all written contracts and  
15 receipts.

16           (2) (a) A ~~registered~~ hearing aid provider desiring to register  
17 pursuant to this section shall submit to the director an application  
18 containing the information described in this subsection (2) and shall pay  
19 a fee to be determined and collected pursuant to section 24-34-105,  
20 C.R.S. The director may deny an application for registration if the  
21 required information is not submitted or if an applicant's trainee  
22 registration certificate, issued pursuant to section 12-5.5-202.5, has been  
23 revoked. If an applicant or registrant does not notify the director of a  
24 change in the submitted information within thirty days after such change,  
25 such failure shall be cause for disciplinary action.

26           **SECTION 7.** 12-5.5-205 (1) (b) (V), Colorado Revised Statutes,  
27 is amended to read:



1           (2) "COCHLEAR IMPLANT" OR "COCHLEAR PROSTHESIS" MEANS AN  
2 ELECTRODE OR ELECTRODES SURGICALLY IMPLANTED IN THE COCHLEA  
3 THAT ARE ATTACHED TO AN INDUCTION COIL BURIED UNDER THE SKIN  
4 NEAR THE EAR, AND THE ASSOCIATED UNIT WHICH IS WORN ON THE BODY.

5           (3) "DISPENSE" MEANS ANY TRANSFER OF TITLE, POSSESSION, OR  
6 THE RIGHT TO USE BY LEASE, BAILMENT, OR ANY OTHER METHOD, BUT  
7 EXCLUDES TRANSACTIONS WITH DISTRIBUTORS OR DEALERS.

8           (4) "HEARING AID" MEANS ANY WEARABLE INSTRUMENT OR  
9 DEVICE DESIGNED OR OFFERED FOR THE PURPOSE OF AIDING OR  
10 COMPENSATING FOR IMPAIRED HUMAN HEARING AND ANY PARTS,  
11 ATTACHMENTS, OR ACCESSORIES THERETO, INCLUDING EAR MOLDS BUT  
12 EXCLUDING BATTERIES AND CORDS; EXCEPT THAT "HEARING AID" DOES  
13 NOT INCLUDE A "COCHLEAR IMPLANT" OR "COCHLEAR PROSTHESIS".

14           (5) "PRACTICE OF DISPENSING, FITTING, OR DEALING IN HEARING  
15 AIDS" INCLUDES THE SELECTION AND ADAPTATION FOR THE SALE OF  
16 HEARING AIDS AND INCLUDES THE TESTING OF HEARING FOR THESE  
17 PURPOSES. THE PRACTICE ALSO INCLUDES THE MAKING OF IMPRESSIONS  
18 FOR EAR MOLDS AND COUNSELING AND INSTRUCTION PERTAINING TO THE  
19 SELECTION, FITTING, ADAPTATION, OR SALE OF HEARING AIDS.

20           (6) "REGISTERED HEARING AID PROVIDER" MEANS AN INDIVIDUAL  
21 WHO IS REGISTERED AS A HEARING AID PROVIDER PURSUANT TO PART 2 OF  
22 THIS ARTICLE.

23           (7) "TRIAL PERIOD" MEANS THE FIRST THIRTY DAYS A BUYER HAS  
24 A HEARING AID IN THE BUYER'S POSSESSION. ANY SUCH TRIAL PERIOD  
25 SHALL BE EXTENDED BY MUTUAL AGREEMENT OF THE BUYER AND THE  
26 REGISTERED HEARING AID PROVIDER WHO DISPENSED THE HEARING AID.

27           **12-5.5-302. Registered hearing aid providers - deceptive trade**

1 **practices.** (1) IN ADDITION TO ANY OTHER DECEPTIVE TRADE PRACTICES  
2 UNDER SECTION 6-1-105, C.R.S., OR THIS PART 3, A REGISTERED HEARING  
3 AID PROVIDER OR, WITH RESPECT TO ONLY PARAGRAPH (a) OF THIS  
4 SUBSECTION (1), AN AUDIOLOGIST, ENGAGES IN A DECEPTIVE TRADE  
5 PRACTICE WHEN SUCH PROVIDER:

6 (a) FAILS TO DELIVER TO EACH PERSON SUPPLIED WITH A HEARING  
7 AID A RECEIPT THAT:

8 (I) BEARS THE BUSINESS ADDRESS OF THE PROVIDER OR  
9 AUDIOLOGIST TOGETHER WITH SPECIFICATIONS AS TO THE MAKE AND  
10 SERIAL NUMBER OF THE HEARING AID FURNISHED AND THE FULL TERMS OF  
11 THE SALE CLEARLY STATED. IF A HEARING AID THAT IS NOT NEW IS SOLD,  
12 THE CONTAINER THEREOF AND THE RECEIPT SHALL BE CLEARLY MARKED  
13 AS "USED" OR "RECONDITIONED", WHICHEVER IS APPLICABLE, WITHIN THE  
14 TERMS OF THE GUARANTEE, IF ANY.

15 (II) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE  
16 BODY OF THE RECEIPT, IN SUBSTANCE, A PROVISION THAT THE PURCHASER  
17 HAS BEEN ADVISED AT THE OUTSET OF THE PURCHASER'S RELATIONSHIP  
18 WITH THE PROVIDER OR AUDIOLOGIST THAT ANY EXAMINATION OR  
19 REPRESENTATION MADE BY A PROVIDER OR AUDIOLOGIST IN CONNECTION  
20 WITH THE PRACTICE OF DISPENSING, FITTING, OR DEALING IN HEARING AIDS  
21 IS NOT AN EXAMINATION, DIAGNOSIS, OR PRESCRIPTION BY A PERSON  
22 LICENSED TO PRACTICE MEDICINE IN THIS STATE AND, THEREFORE, MUST  
23 NOT BE REGARDED AS MEDICAL OPINION OR ADVICE;

24 (III) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE  
25 BODY OF THE RECEIPT, A PROVISION INDICATING THAT CONSUMER  
26 COMPLAINTS THAT CANNOT BE RESOLVED WITH THE PROVIDER OR  
27 AUDIOLOGIST MAY BE FILED INITIALLY WITH THE OFFICE OF THE DISTRICT



1 ATTORNEY FOR THE JURISDICTION WHERE THE DEVICE WAS SOLD OR WITH  
2 THE STATE ATTORNEY GENERAL'S OFFICE AND THE ADDRESS AND  
3 TELEPHONE NUMBER OF THE DISTRICT ATTORNEY'S OFFICE OR ATTORNEY  
4 GENERAL'S OFFICE WHERE SUCH COMPLAINTS MAY BE FILED;

5 (IV) BEARS A PROVISION LABELED "WARRANTY" IN WHICH THE  
6 EXACT WARRANTY TERMS AND PERIODS AVAILABLE FROM THE  
7 MANUFACTURER ARE DOCUMENTED, OR INCLUDES AN ORIGINAL OR  
8 PHOTOCOPY OF THE ORIGINAL MANUFACTURER'S WARRANTY WITH THE  
9 RECEIPT;

10 (b) SELLS A HEARING AID TO A CHILD UNDER EIGHTEEN YEARS OF  
11 AGE WITHOUT ASCERTAINING WHETHER THE CHILD HAS BEEN EXAMINED  
12 BY A LICENSED PHYSICIAN AND AN AUDIOLOGIST WITHIN SIX MONTHS  
13 PRIOR TO THE FITTING;

14 (c) (I) FAILS TO RECEIVE FROM A LICENSED PHYSICIAN, PRIOR TO  
15 DISPENSING, FITTING, OR DEALING IN A HEARING AID TO ANY PERSON, A  
16 WRITTEN PRESCRIPTION OR RECOMMENDATION THAT SPECIFIES THAT THE  
17 PERSON IS IN FACT IN NEED OF A HEARING AID; EXCEPT THAT ANY PERSON  
18 EIGHTEEN YEARS OF AGE OR OLDER WHO OBJECTS TO MEDICAL  
19 EVALUATION FOR RELIGIOUS OR PERSONAL BELIEFS MAY WAIVE THE  
20 REQUIREMENT BY DELIVERING TO THE REGISTERED HEARING AID PROVIDER  
21 A WRITTEN WAIVER.

22 (II) SELLS, PROVIDES, DISPENSES, ADJUSTS, PROVIDES TRAINING OR  
23 TEACHING IN REGARD TO, OR OTHERWISE SERVICES COCHLEAR IMPLANTS  
24 UNLESS SUCH REGISTERED HEARING AID PROVIDER IS AN AUDIOLOGIST OR  
25 A PHYSICIAN.

26 (d) FAILS TO RECOMMEND IN WRITING PRIOR TO FITTING OR  
27 DISPENSING A HEARING AID THAT THE BEST INTERESTS OF THE

1 PROSPECTIVE USER WOULD BE SERVED BY CONSULTING A LICENSED  
2 PHYSICIAN SPECIALIZING IN DISEASES OF THE EAR, OR, ANY LICENSED  
3 PHYSICIAN, IF ANY OF THE FOLLOWING CONDITIONS EXISTS:

4 (I) VISIBLE CONGENITAL OR TRAUMATIC DEFORMITY OF THE EAR;

5 (II) HISTORY OF OR ACTIVE DRAINAGE OF THE EAR WITHIN THE  
6 PREVIOUS NINETY DAYS;

7 (III) HISTORY OF SUDDEN OR RAPIDLY PROGRESSIVE HEARING  
8 LOSS;

9 (IV) ACUTE OR CHRONIC DIZZINESS;

10 (V) UNILATERAL HEARING LOSS OF SUDDEN ONSET WITHIN THE  
11 PREVIOUS NINETY DAYS;

12 (VI) AUDIOMETRIC AIR-BONE GAP EQUAL TO OR GREATER THAN  
13 FIFTEEN DECIBELS AT 500 HERTZ (Hz), 1,000 Hz, AND 2,000 Hz;

14 (VII) VISIBLE EVIDENCE OF SIGNIFICANT CERUMEN  
15 ACCUMULATION OR A FOREIGN BODY IN THE EAR CANAL;

16 (VIII) PAIN OR DISCOMFORT IN THE EAR;

17 (e) FAILS TO PROVIDE A THIRTY-DAY RESCISSION PERIOD WITH THE  
18 FOLLOWING TERMS:

19 (I) THE BUYER SHALL HAVE THE RIGHT TO CANCEL THE PURCHASE  
20 FOR ANY REASON BEFORE THE EXPIRATION OF THE RESCISSION PERIOD BY  
21 GIVING OR MAILING WRITTEN NOTICE OF CANCELLATION TO THE SELLER  
22 AND PRESENTING THE HEARING AID TO THE DEALER, UNLESS THE HEARING  
23 AID HAS BEEN LOST OR SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE  
24 IN THE BUYER'S POSSESSION AND CONTROL. THE THIRTY-DAY RESCISSION  
25 PERIOD SHALL BE TOLLED FOR ANY PERIOD DURING WHICH A REGISTERED  
26 HEARING AID PROVIDER TAKES POSSESSION OR CONTROL OF A HEARING AID  
27 AFTER ITS ORIGINAL DELIVERY.

1 (II) THE BUYER, UPON CANCELLATION, IS ENTITLED TO RECEIVE A  
2 FULL REFUND OF ANY PAYMENT MADE FOR THE HEARING AID WITHIN  
3 THIRTY DAYS AFTER RETURN OF THE HEARING AID TO THE SELLER, UNLESS  
4 THE HEARING AID WAS SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE  
5 THE HEARING AID WAS IN THE BUYER'S POSSESSION AND CONTROL; EXCEPT  
6 THAT, IF THE HEARING AID IS RETURNED FOR ANY REASON OTHER THAN A  
7 DEFECT IN SUCH HEARING AID, THE SELLER MAY RETAIN AN ITEMIZED  
8 AMOUNT TO COVER THE MINIMUM COSTS OF MATERIALS USED BY THE  
9 REGISTERED HEARING AID PROVIDER AND A MANUFACTURER'S RETURN  
10 FEE, BUT SUCH AMOUNT MAY NOT BE GREATER THAN FIVE PERCENT OF THE  
11 TOTAL CHARGE FOR THE HEARING AID.

12 (III) (A) THE SELLER SHALL PROVIDE A WRITTEN RECEIPT OR  
13 CONTRACT TO THE BUYER THAT INCLUDES, IN IMMEDIATE PROXIMITY TO  
14 THE SPACE RESERVED FOR THE SIGNATURE OF THE BUYER, THE FOLLOWING  
15 SPECIFIC STATEMENT IN ALL CAPITAL LETTERS OF NO LESS THAN  
16 TEN-POINT BOLD-FACED TYPE:

17 **THE BUYER HAS THE RIGHT TO CANCEL THIS**  
18 **PURCHASE FOR ANY REASON AT ANY TIME**  
19 **PRIOR TO 12 MIDNIGHT OF THE 30TH**  
20 **CALENDAR DAY AFTER RECEIPT OF THE**  
21 **HEARING AID BY GIVING OR MAILING THE**  
22 **SELLER WRITTEN NOTICE OF CANCELLATION**  
23 **AND BY RETURNING THE HEARING AID, UNLESS**  
24 **THE HEARING AID HAS BEEN SIGNIFICANTLY**  
25 **DAMAGED BEYOND REPAIR WHILE THE**  
26 **HEARING AID WAS IN THE BUYER'S CONTROL.**  
27 **BY LAW, THE SELLER IS ALLOWED TO RETAIN**

1           **AN ITEMIZED AMOUNT, NOT TO EXCEED FIVE**  
2           **PERCENT OF THE TOTAL CHARGE FOR THE**  
3           **HEARING AID, TO COVER THE COSTS OF A**  
4           **MANUFACTURER'S RETURN FEE AND THE**  
5           **MINIMUM COSTS OF MATERIALS USED BY THE**  
6           **REGISTERED HEARING AID PROVIDER, UNLESS**  
7           **THE HEARING AID IS RETURNED BECAUSE IT IS**  
8           **DEFECTIVE.**

9           (B) THE WRITTEN CONTRACT OR RECEIPT PROVIDED TO THE BUYER  
10          SHALL ALSO CONTAIN A STATEMENT, IN PRINT SIZE NO SMALLER THAN  
11          TEN-POINT TYPE, THAT THE SALE IS VOID AND UNENFORCEABLE IF THE  
12          HEARING AID BEING PURCHASED IS NOT DELIVERED TO THE CONSUMER  
13          WITHIN THIRTY DAYS AFTER THE DATE THE WRITTEN CONTRACT IS SIGNED  
14          OR THE RECEIPT IS ISSUED, WHICHEVER OCCURS LATER. THE WRITTEN  
15          CONTRACT OR RECEIPT SHALL ALSO INCLUDE THE REGISTERED HEARING  
16          AID PROVIDER'S REGISTRATION NUMBER AND A STATEMENT THAT THE  
17          REGISTERED HEARING AID PROVIDER SHALL PROMPTLY REFUND ALL  
18          MONEYS PAID FOR THE PURCHASE OF A HEARING AID IF IT IS NOT  
19          DELIVERED TO THE CONSUMER WITHIN SUCH THIRTY-DAY PERIOD. SUCH  
20          STATEMENT IS NOT SUBJECT TO WAIVER BY THE BUYER.

21          (IV) A REFUND REQUEST FORM SHALL BE ATTACHED TO EACH  
22          RECEIPT AND SHALL CONTAIN THE INFORMATION IN SUBPARAGRAPH (I) OF  
23          PARAGRAPH (a) OF THIS SUBSECTION (1) AND THE STATEMENT, IN ALL  
24          CAPITAL LETTERS OF NO LESS THAN TEN-POINT BOLD-FACED TYPE:  
25          "REFUND REQUEST - THIS FORM MUST BE POSTMARKED BY \_\_\_\_\_  
26          (DATE TO BE FILLED IN). NO REFUND WILL BE GIVEN UNTIL THE HEARING  
27          AID OR HEARING AIDS ARE RETURNED TO THE SELLER." A SPACE FOR THE

1 BUYER'S ADDRESS, TELEPHONE NUMBER, AND SIGNATURE MUST BE  
2 PROVIDED. THE BUYER SHALL ONLY BE REQUIRED TO SIGN, LIST THE  
3 BUYER'S CURRENT ADDRESS AND TELEPHONE NUMBER, AND MAIL THE  
4 REFUND REQUEST FORM TO THE SELLER. IF THE HEARING AID IS SOLD IN  
5 THE BUYER'S HOME, AT THE BUYER'S OPTION, THE SELLER SHALL BE  
6 RESPONSIBLE FOR ARRANGING THE RETURN OF THE HEARING AID.

7 (f) REPRESENTS THAT THE SERVICE OR ADVICE OF A PERSON  
8 LICENSED TO PRACTICE MEDICINE WILL BE USED OR MADE AVAILABLE IN  
9 THE SELECTION, FITTING, ADJUSTMENT, MAINTENANCE, OR REPAIR OF  
10 HEARING AIDS WHEN THAT IS NOT TRUE OR USING THE TERMS "DOCTOR",  
11 "CLINIC", "STATE-LICENSED CLINIC", "STATE-REGISTERED",  
12 "STATE-CERTIFIED", OR "STATE-APPROVED" OR ANY OTHER TERM,  
13 ABBREVIATION, OR SYMBOL WHEN IT WOULD FALSELY GIVE THE  
14 IMPRESSION THAT SERVICE IS BEING PROVIDED BY PERSONS TRAINED IN  
15 MEDICINE OR THAT THE HEARING AID DEALER'S SERVICE HAS BEEN  
16 RECOMMENDED BY THE STATE WHEN SUCH IS NOT THE CASE; OR WHEN  
17 THAT WOULD BE FALSE OR MISLEADING;

18 (g) DIRECTLY OR INDIRECTLY GIVES OR OFFERS TO GIVE OR  
19 PERMITS OR CAUSES TO BE GIVEN MONEY OR ANYTHING OF VALUE TO ANY  
20 PERSON WHO ADVISES ANOTHER IN A PROFESSIONAL CAPACITY AS AN  
21 INDUCEMENT TO INFLUENCE SUCH PERSON OR HAVE SUCH PERSON  
22 INFLUENCE OTHERS TO PURCHASE OR CONTRACT TO PURCHASE PRODUCTS  
23 SOLD OR OFFERED FOR SALE BY A REGISTERED HEARING AID PROVIDER OR  
24 INFLUENCES PERSONS TO REFRAIN FROM DEALING IN THE PRODUCTS OF  
25 COMPETITORS;

26 (h) DISPENSES A HEARING AID TO A PERSON WHO HAS NOT BEEN  
27 GIVEN TESTS UTILIZING APPROPRIATE ESTABLISHED PROCEDURES AND

1 INSTRUMENTATION IN THE FITTING OF HEARING AIDS, EXCEPT IN CASES OF  
2 SELLING REPLACEMENT HEARING AIDS WITHIN ONE YEAR AFTER THE DATE  
3 OF THE ORIGINAL PURCHASE;

4 (i) MAKES A FALSE OR MISLEADING STATEMENT OF FACT  
5 CONCERNING GOODS OR SERVICES OR THE BUYER'S RIGHT TO CANCEL WITH  
6 THE INTENTION OR EFFECT OF DETERRING OR PREVENTING THE BUYER  
7 FROM EXERCISING THE BUYER'S RIGHT TO CANCEL;

8 (j) CHARGES, COLLECTS, OR RECOVERS ANY COST OR FEE FOR ANY  
9 GOOD OR SERVICE THAT HAS BEEN REPRESENTED BY THE REGISTERED  
10 HEARING AID PROVIDER AS FREE.

11 **12-5.5-303. Fines.** (1) FINES COLLECTED PURSUANT TO THIS PART  
12 3 SHALL BE DISTRIBUTED IN THE FOLLOWING MANNER:

13 (a) FIFTY PERCENT SHALL BE DIVIDED BY THE COURT BETWEEN  
14 STATE AND LOCAL LAW ENFORCEMENT AGENCIES ASSISTING WITH THE  
15 PROSECUTION, INCLUDING, BUT NOT LIMITED TO, THE OFFICE OF THE  
16 ATTORNEY GENERAL AND THE DISTRICT ATTORNEY'S OFFICE; AND

17 (b) FIFTY PERCENT SHALL BE PAID TO THE STATE TREASURER, WHO  
18 SHALL CREDIT THE SAME TO THE GENERAL FUND.

19 **SECTION 10.** 12-5.5-207, Colorado Revised Statutes, is  
20 amended to read:

21 **12-5.5-207. Repeal of article.** (1) This article is repealed,  
22 effective July 1, ~~2007~~ 2012.

23 (2) Prior to such repeal, the registration functions of the director  
24 shall be reviewed as provided in section 24-34-104, C.R.S.

25 **SECTION 11. Repeal.** 24-34-104 (38) (c), Colorado Revised  
26 Statutes, is repealed as follows:

27 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for termination, continuation, or reestablishment.**

2 (38) The following agencies, functions, or both, shall terminate on July  
3 1, 2007:

4 (c) ~~The registration of audiologists and registered hearing aid~~  
5 ~~providers by the division of registrations, pursuant to article 5.5 of title~~  
6 ~~12, C.R.S.;~~

7 **SECTION 12.** 24-34-104 (43), Colorado Revised Statutes, is  
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9 **24-34-104. General assembly review of regulatory agencies**  
10 **and functions for termination, continuation, or reestablishment.**

11 (43) The following agencies, functions, or both, shall terminate on July  
12 1, 2012:

13 (c) THE REGISTRATION OF AUDIOLOGISTS AND REGISTERED  
14 HEARING AID PROVIDERS BY THE DIVISION OF REGISTRATIONS, PURSUANT  
15 TO ARTICLE 5.5 OF TITLE 12, C.R.S.

16 **SECTION 13. Effective date - applicability.** This act shall take  
17 effect July 1, 2007, and shall apply to audiologists and hearing aid  
18 providers on or after said date.

19 **SECTION 14. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.