

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 18, 2013  
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB13-228 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend printed bill, page 2, line 12, after "(c)" insert "(I)".
- 2 Page 2, strike lines 14 through 16 and substitute "HUMAN HEARING AND
- 3 INCLUDES:
- 4 (A) ANY PARTS, ATTACHMENTS, OR ACCESSORIES TO THE
- 5 INSTRUMENT OR DEVICE, AS DEFINED IN RULES ADOPTED BY THE DIRECTOR
- 6 OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT
- 7 OF REGULATORY AGENCIES; AND
- 8 (B) EAR MOLDS, EXCLUDING BATTERIES AND CORDS.
- 9 (II) "HEARING AID" DOES NOT INCLUDE A SURGICALLY".
- 10 Page 5, line 16, strike "THIRTY-DAY-RESCISSION" and substitute
- 11 "MINIMUM THIRTY-DAY RESCISSION".
- 12 Page 5, line 23, strike "THIRTY-DAY".
- 13 Page 6, strike lines 5 through 10.
- 14 Page 6, line 18, strike "**30TH**" and substitute "[INSERT APPLICABLE
- 15 RESCISSION PERIOD, WHICH MUST BE NO SHORTER THAN THIRTY DAYS
- 16 AFTER RECEIPT OF THE HEARING AID]".
- 17 Page 6, strike lines 26 and 27 and substitute "**BUYER'S CONTROL.**".

1 Page 7, strike lines 1 through 6.

2 Page 9, line 13, strike "CANCEL;" and substitute "CANCEL, OR REFUSES TO  
3 HONOR A BUYER'S REQUEST TO CANCEL A CONTRACT FOR THE PURCHASE  
4 OF A HEARING AID, IF THE REQUEST WAS MADE DURING THE RESCISSION  
5 PERIOD SET FORTH IN PARAGRAPH (e) OF THIS SUBSECTION (2);

6 (j) EMPLOYS A DEVICE, A SCHEME, OR ARTIFICE WITH THE INTENT  
7 TO DEFRAUD A BUYER OF A HEARING AID;

8 (k) INTENTIONALLY DISPOSES OF, CONCEALS, DIVERTS, CONVERTS,  
9 OR OTHERWISE FAILS TO ACCOUNT FOR ANY FUNDS OR ASSETS OF A BUYER  
10 OF A HEARING AID THAT IS UNDER THE DISPENSER'S CONTROL; OR".

11 Reletter succeeding paragraph accordingly.

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