

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 40 of Title 28 of the District of Columbia Official Code to expand the definition of medical clearance to include all licensed physicians, to allow a minor to receive medical clearance from any licensed physician if the minor has not had a substantial change in clinical status, and to provide that a registrant may sell a hearing aid to a person 18 years of age or older and the person may purchase a hearing aid without having had a medical examination or hearing test evaluation by providing a written waiver of the examination and evaluation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Hearing Aid Sales Amendment Act of 2020”.

Sec. 2. Chapter 40 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-4001(5) is amended by striking the phrase “an otolaryngologist,” and inserting the phrase “a licensed physician” in its place.

(b) Section 28-4004(a) is amended to read as follows:

“(a) No registrant shall fit, offer for sale, or sell a hearing aid to:

“(1) A minor under 18 years of age unless, within the preceding 6 months, the minor has had a hearing test evaluation; and:

“(A) Received a medical clearance by an otolaryngologist, which shall be required for an initial evaluation of hearing loss; or

“(B) Received a medical clearance, which indicates there has not been a substantial change in clinical status.

“(2) A person 18 years of age or older unless, within the preceding 6 months, the person has:

“(A) Received a medical clearance and a hearing test evaluation, which shall be required for an initial evaluation of hearing loss; or

“(B) Signed a waiver form created or approved by the Department of Health stating that the person:

“(i) Has a history of stable hearing loss that does not require medical management; and

“(ii) Has waived having a medical examination and hearing test evaluation.”.

Sec. 3. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor or in the event of veto by the Mayor, action by the Council to override the veto, a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia