Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
AB 435 (Mullin) – As Amended March 11, 2021

Policy Committee:	Business and Professions	Vote: 18 - 0
Urgency: No	State Mandated Local Program: Yes	Reimbursable: No

SUMMARY:

This bill requires any hearing aid dispenser and any licensed dispensing audiologist to provide a written notice to a consumer who purchases a hearing aid that uses proprietary or locked programming software, to be signed by the consumer before sale. The written notice is to inform the consumer that a hearing aid can only be serviced or programmed at specific facilities or locations.

FISCAL EFFECT:

Negligible.

COMMENTS:

1) **Purpose**. This bill is sponsored by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to ensure consumers of hearing aids fully understand how and where they can get hearing aids serviced. The author notes the bill does not prohibit proprietary or locked software, but it ensures every consumer is notified in writing that the hearing aid they purchased uses proprietary software and can only be adjusted or repaired at specific companies or locations. The bill is intended to inform consumers who do not realize use of proprietary software can create barriers to obtain hearing aid software updates or reprogramming, either based on geographical access to proprietary outlets or the risk of a manufacturer going out of business.

2) **Background**. Modern hearing aids use a combination of hardware and software to amplify, reduce, and filter sound, eliminate unwanted feedback, and automatically adapt to various settings and noise environments. Some hearing aids are open to a variety of programming software while others require the use of exclusive or "locked" programming software only available at specific dispensing outlets. Hearing aids that use such proprietary software can be serviced by a brand-affiliated vendor.

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