

Section 1. **GILBERT, CITY OF; POLICE RETIREMENT ASSOCIATION.** Notwithstanding any law to the contrary, any person employed by the city of Gilbert as a police officer after December 31, 1972 shall be a member of the public employees retirement association and not of the police pension fund established by Laws 1957, Chapter 687, as amended.

Sec. 2. This act is effective upon approval by the city council of the city of Gilbert and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 19, 1973.

CHAPTER 383—S.F.No.523

[Coded]

An act relating to hearing aids; permitting sales only upon the recommendation of persons licensed to practice medicine; providing a penalty.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [145.43] **HEARING AIDS; RESTRICTIONS ON SALES.** Subdivision 1. **DEFINITION.** "Hearing Aid" means any instrument or device designed for or represented as aiding defective human hearing, and its parts, attachments, or accessories, including but not limited to ear molds. Batteries and cords shall not be considered parts, attachments, or accessories of a hearing aid.

Subd. 2. **PRESCRIPTION OR WRITTEN RECOMMENDATION REQUIRED.** No hearing aid shall be sold by any person in this state except upon the prescription or other written and signed recommendation of an authorized person who is neither employed by, or in a business relationship with, a seller of hearing aids. For purposes of this section, "authorized person" means an audiologist, otolaryngologist, otologist, or licensed medical doctor. "Audiologist" means an individual who holds a master's degree or doctor's degree in audiology from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools or an equivalent accrediting association. Any person selling a hearing aid as provided in this section shall maintain for not less than one year, in a file under the name of the person to whom the hearing aid was sold, a true copy of the prescription or other written recommendation, as provided herein, upon which such sale was made. Nothing in this act shall apply to

Changes or additions indicated by underline, deletions by ~~strikeout~~.

a sale solely limited to either repair services or replacement parts, or both, for a hearing aid already owned by a consumer or to the sale of a replacement hearing aid to an aid already owned by a consumer.

Subd. 3. **PENALTY.** The violation of this section is a misdemeanor.

Sec. 2. [145.44] **CONDITIONS REQUIRING CONSULTATION OF DOCTOR OR AUDIOLOGIST; WAIVER OF SALE RESTRICTIONS.** Subdivision 1. When a hearing aid vendor finds the following conditions in any person either by observation or being told by said person, said vendor shall not fit or sell a hearing aid until that person has consulted with a licensed medical doctor or audiologist:

- (1) Visible congenital or traumatic deformity of the ear.
- (2) History of, or active drainage from the ear within the previous 90 days.
- (3) History of sudden or rapidly progressive hearing loss within the previous 90 days.
- (4) Acute or chronic dizziness.
- (5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.
- (6) Significant air-bone gap.

Subd. 2. Adults under 60 years who are legally competent may be exempted from the provisions of section 1, subdivisions 2 and 3, if they sign a waiver acknowledging that they have been provided a copy of this law printed in large typeface (at least 14-point) and that the law has been read aloud to them by the hearing aid vendor. A copy of the signed waiver will be kept on file for three years from the date of sale.

Approved May 19, 1973.

CHAPTER 384—S.F.No.551

[Coded in Part]

An act relating to highway traffic regulations; school bus equipment; use of equipment; color; amending Minnesota Statutes 1971, Section 169.44, Subdivisions 1, 2, 6, 7, 8, and by adding subdivisions.

Changes or additions indicated by underline, deletions by ~~strikeout~~.