

**STATE BOARD OF EQUALIZATION**

1020 N STREET, SACRAMENTO, CALIFORNIA
(P.O. BOX 942879, SACRAMENTO, CALIFORNIA 94279-0001)
916/445-6493

February 8, 1985

Ms. J--- L---
Bookkeeper
H--- S--- of S--- C---
XXX --- St., Bldg. ---
--- ---, CA XXXXX

Dear Ms. L---:

Your letter of January 12, 1985, has been referred to me for reply. Your inquiry concerns the application of tax to hearing aid dispensers.

As a preliminary matter, Assembly Bill 2306 (1984), Chapter 1576, recently added Section 6018.7 to the Revenue and Taxation Code, which provides that a licensed hearing aid dispenser is a consumer of hearing aids he sells or furnishes to his customers. We have decided that the term "hearing aid," as used under Section 6018.7, includes any necessary accessory or component part of a hearing aid which is fully worn on the body of the user, such as a custom earmold and connector tubing.

In light of Section 6018.7, you ask whether a hearing aid dispenser is the consumer of certain specific items listed below which your company sells to the hearing impaired. It is our opinion that the following listed items do not qualify as a hearing aid, nor as a necessary accessory or component part of hearing aid which is fully worn on the body of the user:

1. Molds not used with a hearing aid, swim plugs, ear plugs.
2. Assistive listening devices that may only be used in conjunction with a hearing aid, i.e. TV amplifiers through induction coil.
3. Assistive listening devices that may be used with and without a hearing aid, i.e. phone amplifiers, infrared amplifiers, TV listeners, etc.

4. Items used to clean or check hearing aids, i.e., tube blowers, mold cleaners, dehumidifiers for hearing aids.
5. Attachments used with hearing aids, i.e. direct auditory input cords with microphones or plugs for tape recorders.
6. Personal FM equipment used in conjunction with a hearing aid or sold to a hearing impaired person.

Since the dispenser is not the consumer of these items, tax applies when the dispenser sells or furnishes any of these items to his customers.

If you have any further questions, please write this office.

Very truly yours,

Charles J. Graziano
Tax Counsel

CJG:ba