

superiority advances that interest. In fact, it may be detrimental to hearing impaired individuals by denying them information that may be important to them in buying a hearing aid. See Bates v. State Bar of Arizona, 433 U.S. 350, 364, 97 S.Ct. 2691, 2699 (1977), reh'g denied, 434 U.S. 881, 98 S.Ct. 242 (1977); Virginia Pharmacy Board v. Virginia Citizens Consumer Council, 425 U.S. 748, 763-64, 96 S.Ct. 1817, 1826-27 (1976). Also, a blanket prohibition on such advertising, rather than a more narrowly drawn restriction, may reach farther than necessary to accomplish its objective. See Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557, 569-72, 100 S.Ct. 2343, 2353-54 (1980).

In addition, the description of the prohibited acts in this section may be unconstitutionally vague. A penal statute must be sufficiently explicit to inform those subject to it that conduct on their part will subject them to its penalties and to provide those who enforce it with legally fixed standards and adequate guidelines for doing so. Bowers v. State, 283 Md. 115, 120-21 (1978). The meanings of the terms "professional methods" and "professional superiority" are unclear and the statute provides no definition. These terms do not appear to adequately inform those subject to the statute that conduct is prohibited or to provide those who enforce the statute with legally fixed standards and adequate guidelines for doing so.

Defined terms: "Person" § 1-101  
 "Provide hearing aid services" § 8-101

#### 8-516. DOOR-TO-DOOR SOLICITATION.

##### (A) PROHIBITED SOLICITATIONS.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT SELL OR ATTEMPT TO SELL A HEARING AID TO ANY PERSON BY DOOR-TO-DOOR SOLICITATION.

##### (B) AUTHORIZED SOLICITATIONS.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A SOLICITATION THAT IS MADE:

- (1) AT THE REQUEST OF THE SOLICITED INDIVIDUAL;
- (2) IN RESPONSE TO AN INQUIRY FROM THE SOLICITED INDIVIDUAL; OR
- (3) ON REFERRAL OF THE PERSON MAKING THE SOLICITATION TO THE SOLICITED INDIVIDUAL BY A 3RD PARTY.