

JAN 17 2014

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the expanding use of
2 cellular telephones has resulted in concerns over the potential
3 dangers of human exposure to electromagnetic radiation emitted
4 by cellular telephones. The legislature further finds that
5 there is increased concern about the long term effect of
6 electromagnetic radiation exposure on children and pregnant
7 women. Consumers in the State must be made aware of the
8 potential health dangers that have been linked to the
9 electromagnetic radiation emitted by cellular telephones.

10 The purpose of this Act is to require all cellular phones
11 sold or leased by a retailer in the State to bear a label that
12 warns consumers of the potential dangers of electromagnetic
13 radiation emitted by cellular phones.

14 SECTION 2. The Hawaii Revised Statutes is amended by
15 adding a new chapter to be appropriately designated and to read
16 as follows:

17 "CHAPTER

18 CELLULAR TELEPHONE LABELING



1 **§ -1 Definitions.** As used in this chapter, unless the
2 context otherwise requires:

3 "Cellular telephone" means a portable wireless telephone
4 device that is designated to send or receive transmissions
5 through a cellular radiotelephone service, as defined in title
6 47 Code of Federal Regulations section 22.99.

7 "Refurbished cellular telephone" or "remanufactured
8 cellular telephone" means a used cellular telephone that has
9 been inspected, tested, repaired, and restored to full working
10 condition at a factory or authorized service center and made
11 available for resale.

12 "Retailer" means a person or business that in the ordinary
13 course of business, sells or leases, offers for sale or lease,
14 or otherwise distributes cellular telephones in the State.

15 **§ -2 Labeling requirements.** (a) A retailer shall not
16 wilfully or knowingly sell or lease, offer for sale or lease, or
17 in any other way, distribute a cellular telephone in the State
18 unless the cellular telephone bears a label that contains the
19 following warning in bold letters:

20 "This device emits electromagnetic radiation, exposure to
21 which may cause brain cancer. Users, especially children



1 and pregnant women, should keep this device away from the
2 head and body."

3 (b) The warning label required by subsection (a) shall be:

4 (1) Conspicuous, legible, and nonremovable;

5 (2) Affixed to the front and the back of the packaging of
6 a cellular telephone; and

7 (3) Affixed to the back of the cellular telephone such
8 that the label occupies at least thirty per cent of
9 the back surface of the cellular telephone.

10 (c) The warning label required by subsection (a) shall
11 apply to all refurbished and remanufactured cellular telephones
12 sold or leased by retailers for profit in the State.

13 **§ -3 Violations.** Any violation of this chapter shall
14 constitute an unfair method of competition and unfair and
15 deceptive act or practice in the conduct of any trade of
16 commerce under section 480-2 and shall be subject to a civil
17 penalty as provided in section 480-3.1. Each cellular telephone
18 sold in violation of this part shall constitute a separate
19 violation."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: John Lee MD

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S.B. NO. 2571

Report Title:

Cellular Telephones; Labeling Requirements

Description:

Requires all cellular telephones, including refurbished and remanufactured cellular telephones, sold or leased by a retailer in the State to bear a label that warns consumers of the potential dangers of electromagnetic radiation emitted by cellular phones.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

