
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 encourages consumers to follow enclosed product safety
13 guidelines to reduce exposure to radiation that may be hazardous
14 to their health.

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

18 "CHAPTER



1 **CELLULAR TELEPHONE LABELING**

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

4 "Cellular telephone" means a portable wireless telephone
5 device that is designated to send or receive transmissions
6 through a cellular radiotelephone service, as defined in title
7 47 Code of Federal Regulations section 22.99.

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

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

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



1 "To reduce exposure to radiation that may be hazardous to
2 your health, please follow the enclosed product safety
3 guidelines."

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

5 (1) Conspicuous, legible, and nonremovable;

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

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

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

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



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

4 SECTION 4. This Act shall take effect upon its approval.
5



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 encourages consumers to follow the enclosed product safety guidelines to reduce exposure to radiation that may be hazardous to their health. (SD1)

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