

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1706

H.P. 1207

House of Representatives, January 6, 2010

An Act To Create the Children's Wireless Protection Act

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BOLAND of Sanford.
Cosponsored by Senator BLISS of Cumberland and
Representatives: BERRY of Bowdoinham, DILL of Cape Elizabeth, DOSTIE of Sabattus,
EVES of North Berwick, HAYES of Buckfield, LEGG of Kennebunk, PENDLETON of
Scarborough, Speaker PINGREE of North Haven, RUSSELL of Portland, SCHATZ of Blue
Hill, STUCKEY of Portland, THERIAULT of Madawaska, TRINWARD of Waterville,
TUTTLE of Sanford, Senators: BARTLETT of Cumberland, MARRACHÉ of Kennebec,
NUTTING of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 261-B** is enacted to read:

3 **CHAPTER 261-B**

4 **CHILDREN'S WIRELESS PROTECTION ACT**

5 **§1537. Warning labels for cellular telephones**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 **A. "Cellular telephone"** means a device used to access a wireless telephone service.

9 **2. Warning label required.** A manufacturer of cellular telephones may not sell at
10 retail in this State, to a retailer in this State, or for use in this State a cellular telephone
11 unless the cellular telephone and its packaging bear a warning label that is legible,
12 nonremovable, is located in a prominent place that is conspicuous and not obscured by
13 other written matter, contrasts with the type, layout and color of the other printed matter,
14 includes a color graphic symbol, appears on both the front and back of the packaging,
15 takes up at least 30% of the back surface of the cellular telephone and contains the
16 following statement:

17 "WARNING, THIS DEVICE EMITS ELECTROMAGNETIC RADIATION,
18 EXPOSURE TO WHICH MAY CAUSE BRAIN CANCER. USERS, ESPECIALLY
19 CHILDREN AND PREGNANT WOMEN, SHOULD KEEP THIS DEVICE AWAY
20 FROM THE HEAD AND BODY."

21 The requirements of this subsection may not result in a cost to the retailer or distributor of
22 cellular telephones.

23 **3. Violation.** A violation of this section is a violation of the Maine Unfair Trade
24 Practices Act.

25 **4. Rulemaking.** The department shall adopt rules to implement this section,
26 including, but not limited to, rules establishing requirements for uniform warning labels
27 for cellular telephones and cellular telephone packaging under this section. Rules
28 adopted under this subsection are routine technical rules as defined by Title 5, chapter
29 375, subchapter 2-A.

30 **Sec. 2. Rulemaking; requirements.** In adopting initial rules establishing
31 requirements for uniform warning labels pursuant to the Maine Revised Statutes, Title 22,
32 section 1537, the Department of Health and Human Services shall adopt rules requiring
33 that warning labels:

34 1. Be a permanent nonremovable advisory of risk, in black type, except for the word
35 "warning," which must be large and in red, capital letters, all on a field of white, with a
36 narrow red border; and

