

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1013

H.P. 711

House of Representatives, March 14, 2013

An Act To Create the Children's Wireless Protection Act

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 COLLINS of York and
Representatives: EVANGELOS of Friendship, HAYES of Buckfield, JONES of Freedom,
KUSIAK of Fairfield, NADEAU of Fort Kent, NOON of Sanford.

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. Short title**

6 This chapter may be known and cited as "the Children's Wireless Protection Act."

7 **§1538. Warning labels for cellular telephones**

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

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

11 **2. Prominence of instructions.** If a cellular telephone manufacturer includes safety
12 notifications in its owner's manual, the cellular telephone manufacturer shall ensure that:

13 A. The full language of the safety notifications is plainly visible on the outside of the
14 product packaging; or

15 B. A label is plainly visible on the outside of the product packaging alerting
16 customers to the safety notifications. The body of the notice must be in letters not
17 less than 1/16 inch in height. The initial words "SAFETY NOTICE" must appear in
18 capital letters and in bold type at least 1/8 inch in height, followed by: "For the
19 Safety of You and Your Family, Please Read Guidance for Use" and language
20 directing consumers to the page or pages of the owner's manual or other insert where
21 the safety notifications may be found.

22 **3. Warning label required.** A retailer of cellular telephones may not sell at retail in
23 this State a cellular telephone unless the cellular telephone bears a warning label that is at
24 least the size of the manufacturer's label on the device, is legible, is located in a
25 prominent place that is conspicuous and not obscured by other written matter and
26 contains the following statement:

27 "This device emits radiofrequency electromagnetic fields. Avoid direct contact."

28 **4. Safety notification label requirement.** A retailer of cellular telephones may not
29 sell at retail in this State a cellular telephone unless the requirements of subsection 2 are
30 met.

31 **5. No cost to retailers.** A cellular telephone manufacturer shall provide any safety
32 notifications required under subsection 2 to retailers at no cost.

33 **6. Information bulletin.** A retailer of cellular telephones shall provide to a
34 purchaser of a cellular telephone printed information that is in the form of a separate
35 bulletin in bold print that contrasts with the color of the bulletin and has a font size of a
36 minimum of 18 point stating:

1 "MAINE REVISED STATUTES, Title 22, chapter 261-B

2 requires that we notify you that:

3 1. 'The World Health Organization, International Agency for Research on Cancer has
4 classified radiofrequency electromagnetic fields as possibly carcinogenic to humans
5 (Group 2B), based on an increased risk for glioma, a malignant type of brain cancer,
6 associated with wireless phone use... This has relevance for public health, particularly for
7 users of mobile phones, as the number of users is large and growing, particularly among
8 young adults and children.' World Health Organization press release, May 31, 2011

9 2. Manufacturers' manuals provide guidance to avoid direct contact with head and body
10 and commentary on ways to reduce excessive exposure, if you choose, such as:

11 A. Limiting use by children;

12 B. Keeping away from reproductive organs; and

13 C. Operating with a wired headset."

14 **7. Violation.** A violation of this chapter is a violation of the Maine Unfair Trade
15 Practices Act.

16 **SUMMARY**

17 This bill provides that a retailer may not sell at retail in this State a cellular telephone
18 unless the cellular telephone and its packaging bear a warning label relating to the
19 potential health effects associated with nonthermal effects of cellular telephone radiation.
20 It requires the manufacturer of the cellular telephone to provide the warning labels to the
21 retailer at no cost to the retailer. The bill also requires that any safety notification supplied
22 by a cellular telephone manufacturer must have the language of the safety notification
23 plainly visible on the outside of the product package or, if using a label, the label must be
24 plainly visible on the outside of the package. This bill also requires the retailer to provide
25 an information bulletin to the purchaser of a cellular telephone informing the purchaser of
26 potential health risks associated with the use of cellular telephones. A violation of this
27 provision is a violation of the Maine Unfair Trade Practices Act.