

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 883

H.P. 602

House of Representatives, March 12, 2015

An Act To Create the Cellular Telephone Labeling Act

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive script.

ROBERT B. HUNT
Clerk

Presented by Representative HARLOW of Portland.

Cosponsored by Representatives: BEAVERS of South Berwick, CHAPMAN of Brooksville, CHIPMAN of Portland, DUNPHY of Embden, RYKERSON of Kittery.

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 **CELLULAR TELEPHONE LABELING ACT**

5 **§1537. Short title**

6 This chapter may be known and cited as "the Cellular Telephone Labeling 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 safety notifications on product packaging.** If a cellular
12 telephone manufacturer includes safety notifications in its owner's manual, the cellular
13 telephone manufacturer shall ensure that:

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

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

23 **3. Safety notification required.** A retailer of cellular telephones may not sell at
24 retail in this State a cellular telephone unless the requirements of subsection 2 are met.

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

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

31 **5. Information bulletin.** A retailer of cellular telephones shall provide to a
32 purchaser of a cellular telephone printed information that is in the form of a separate
33 bulletin in bold type that contrasts with the color of the bulletin and has a font size of a
34 minimum of 18 points stating:

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

1 requires that we notify you that:

2 1. 'The World Health Organization, International Agency for Research on Cancer has
3 classified radiofrequency electromagnetic fields as possibly carcinogenic to humans
4 (Group 2B), based on an increased risk for glioma, a malignant type of brain cancer,
5 associated with wireless phone use.... This has relevance for public health, particularly
6 for users of mobile phones, as the number of users is large and growing, particularly
7 among young adults and children.' World Health Organization press release, May 31,
8 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 **6. No cost to retailers.** A cellular telephone manufacturer shall provide any safety
15 notifications required under subsection 2 to retailers at no cost.

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

18 **SUMMARY**

19 This bill requires cellular telephone manufacturers that include safety notifications in
20 their owner's manuals to ensure that cellular telephone packaging includes those safety
21 notifications or a label indicating where the safety notifications may be found in the
22 owner's manual. It prohibits retailers from selling at retail in this State cellular telephones
23 of manufacturers that include safety notifications in their owner's manuals but do not
24 include on the product packaging the safety notifications or a label indicating where the
25 safety notifications may be found. It requires manufacturers of cellular telephones to
26 provide the safety notifications to retailers at no cost to the retailers. It also prohibits
27 retailers from selling at retail in this State a cellular telephone that does not bear a label
28 warning that the device emits radiofrequency electromagnetic fields. It also requires
29 retailers to provide an information bulletin to the purchaser of a cellular telephone
30 informing the purchaser of potential health risks associated with the use of cellular
31 telephones. The bill provides that a violation of these provisions is a violation of the
32 Maine Unfair Trade Practices Act.