JAN 2 0 2012

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 speculation over the	
3	potential dangers of human exposure to electromagnetic radiation	
4	emitted by cellular telephones. The legislature further finds	
5	that 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

CELLULAR TELEPHONE LABELING



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S.B. NO. 2477

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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 47
6
    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
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    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
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    course of business, sells or leases, offers for sale or lease,
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    or otherwise distributes cellular telephones in the State.
15
             -2 Labeling requirements. (a) A retailer shall not
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    wilfully or knowingly sell or lease, offer for sale or lease, or
17
    in any other way, distribute a cellular telephone in the State
    unless the cellular telephone bears a label that contains the
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19
    following warning in bold letters:
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              "This device emits electromagnetic radiation, exposure
21
              to which may cause brain cancer. Users, especially
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S.B. NO. 2477

1		children and pregnant women, should keep this device	
2		away from the 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 l	eased by retailers for profit in the State.	
13	\$	-3 Violations. Any violation of this chapter shall	
14	constitut	e an unfair method of competition and unfair and	
15	deceptive	acts or practices 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 telephon		
18	sold in violation of this part shall constitute a separate		
19	violation	· · ·	
20	SECT	ION 3. This Act does not affect rights and duties that	

matured, penalties that were incurred, and proceedings that were

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begun before its effective date.

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

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INTRODUCED BY: JULY MP

Shranne Ohun Ceallant

Mill

S.B. NO. 2477

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.