



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  
6 47 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  
10 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  
13 course of business, sells or leases, offers for sale or lease,  
14 or otherwise distributes cellular telephones in the State.

15           §   -2 **Labeling requirements.** (a) A retailer shall not  
16 wilfully or knowingly sell or lease, offer for sale or lease, or  
17 in any other way, distribute a cellular telephone in the State  
18 unless the cellular telephone bears a label that contains the  
19 following warning in bold letters:

20           "This device emits electromagnetic radiation, exposure to  
21 which may cause brain cancer. Users, especially children



1 and pregnant women, should keep this device away from the  
2 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 leased by retailers for profit in the State.

13 § -3 **Violations.** Any violation of this chapter shall  
14 constitute an unfair method of competition and unfair and  
15 deceptive act or practice 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 telephone  
18 sold in violation of this part shall constitute a separate  
19 violation."

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



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

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# S.B. NO. 638

**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.

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