

JAN 21 2011

A BILL FOR AN ACT

RELATING TO CELL PHONE RADIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 CELL PHONE DISCLOSURE REQUIREMENTS

6 § -1 Title. This chapter may be known as the cell phone
7 right-to-know law.

8 § -2 Definitions. For the purposes of this chapter, the
9 following terms shall have the following meanings, unless the
10 context requires otherwise:

11 "Cell phone" means a portable wireless telephone device
12 that is designed to send or receive transmissions through a
13 cellular radiotelephone service, as defined in 47 Code of
14 Federal Regulations section 22.99. A cell phone does not
15 include a wireless telephone device that is integrated into the
16 electrical architecture of a motor vehicle.

17 "Cell phone retailer" means any person or entity within the
18 State that sells or leases cell phones to the public or that



1 offers cell phones for sale or lease, but shall not include any
2 person or entity:

3 (1) Selling or leasing cell phones over the phone, by
4 mail, or over the internet; or

5 (2) Selling or leasing cell phones directly to the public
6 at a convention, trade show, or conference or
7 otherwise selling or leasing cell phones directly to
8 the public within the State for fewer than ten days in
9 a year.

10 "Department" means the department of commerce and consumer
11 affairs.

12 "Director" means the director of commerce and consumer
13 affairs.

14 "Display materials" means informational or promotional
15 materials posted adjacent to a sample cell phone or cell phones
16 on display at the retail location that describe or list the
17 features of the cell phone. Display materials shall not include
18 any tag, sticker, or decal attached to a cell phone by the
19 manufacturer, the manufacturer's packaging for a cell phone, or
20 materials that list only the price and an identifier for the
21 phone.



1 "SAR value" means the maximum whole-body and spatial peak
2 specific absorption rate for a particular make and model of cell
3 phone as registered with the Federal Communications Commission.

4 § -3 Cell phone retailers required to disclose specific
5 SAR values for cell phones. (a) No retailer within the State
6 may sell or lease, or offer to sell or lease, any cell phone to
7 the public without disclosing the SAR value for that cell phone
8 as required by this chapter and any rules adopted thereunder.

9 (b) The SAR value shall be listed on any tag, sticker, or
10 decal attached to a cell phone that lists the price or features
11 of the cell phone, and on any display material posted
12 immediately adjacent to a sample cell phone or cell phones on
13 display at the retail location that lists the price or features
14 of the cell phone; provided that this subsection shall not apply
15 to any tag, sticker, or decal attached to a cell phone by the
16 manufacturer or to the manufacturer's packaging for a cell
17 phone.

18 (c) The statement of the SAR value shall be printed in a
19 font size no smaller than that used to state the price or
20 features of the cell phone. The SAR value listing shall also
21 include a statement that explanatory materials are available
22 from the retailer. A retailer who does not display sample cell



1 phones to customers shall prominently post a chart approved by
2 the department, listing all the makes and models of cell phones
3 available for sale or lease at that location and their
4 respective SAR values.

5 (d) The director may adopt rules in accordance with
6 chapter 91 to authorize a retailer to use alternate means of
7 disclosing SAR values to customers. No retailer may sell or
8 lease or offer to sell or lease cell phones to the public using
9 any alternate means of compliance with this chapter unless
10 specifically authorized to do so in advance in writing by the
11 director.

12 § -4 **Distribution of educational materials.** (a) The
13 department, in consultation with the department of health, shall
14 develop educational materials based upon and consistent with the
15 relevant information provided by the Federal Communications
16 Commission or other federal agency having jurisdiction,
17 explaining the significance of the SAR value and potential
18 effects of exposure to cell phone radiation. The materials
19 shall also inform customers of actions that can be taken by cell
20 phone users to minimize exposure to radiation, including turning
21 off cell phones when not in use, using a headset and speaker
22 phone, and texting.



1 (b) Retailers shall provide, at no charge, copies of
2 educational materials regarding SAR values, approved by the
3 department, to customers who request such information.

4 § -5 **Implementation and enforcement.** (a) By July 2,
5 2012, the department shall adopt rules in accordance with
6 chapter 91 specifying the requirements for implementation of
7 this chapter.

8 (b) By September 24, 2012, the department shall develop
9 materials that will be available for retailers as provided in
10 section -4.

11 (c) Beginning December 17, 2012, retailers shall comply
12 with sections -3 and -4, and the department shall issue an
13 initial written warning to any retailer that the department
14 determines is violating this chapter. If, after issuance of the
15 initial written warning, the department finds that the person
16 receiving the warning continues to violate this chapter, the
17 department may impose administrative fines as provided in
18 subsections (d) and (e).

19 (d) A violation of this chapter or of any rules adopted
20 thereunder shall be punishable by administrative fines in the
21 amount of:

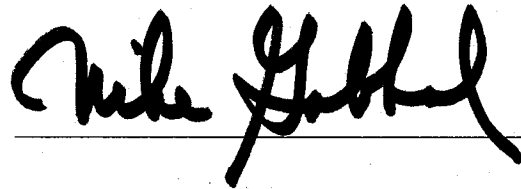
22 (1) Not more than \$100 for the first violation;

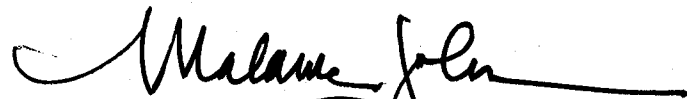
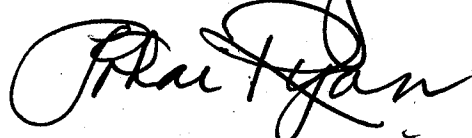




- 1 (2) Not more than \$250 for a second violation within a
2 twelve-month period; and
3 (3) Not more than \$500 for a third or subsequent violation
4 within a twelve-month period.
5 (e) Each individual cell phone that is sold or leased, or
6 offered for sale or lease, in violation of this chapter, shall
7 constitute a separate violation."

8 SECTION 2. This Act shall take effect upon its approval.
9

INTRODUCED BY:





Report Title:

Cell Phone Radiation; Disclosure

Description:

Requires cell phone retailers to publicly disclose the specific absorption rate (SAR) values of the cell phones that they sell or lease to the public.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

