

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Create the Children's Wireless Protection Act**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA c. 261-B** is enacted to read:

### **CHAPTER 261-B**

### **CHILDREN'S WIRELESS PROTECTION ACT**

#### **§ 1537. Short title**

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

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

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

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

**2. Warning label required.** A retailer of cellular telephones may not sell at retail in this State a cellular telephone unless the cellular telephone and its packaging bear a warning label that is at least the size of the manufacturer's label on the device, legible, located in a prominent place that is conspicuous and not obscured by other written matter, contrasts with the type, layout and color of the other printed matter, includes the international symbol for nonionizing radiation, appears on both the front and back of the packaging and contains the following statement:

"WARNING: Federal health safety standards have yet to be established for nonthermal effects of cellular telephone radiation, which have been identified as reasons for health safety concerns, such as brain tumors."

The requirements of this subsection may not result in a cost to the retailer of cellular telephones. Manufacturers of cellular telephones must provide the labeling required under this subsection to the retailers at no cost.

**3. Signs.** A retailer of cellular telephones must post a sign that is at least 8 1/2 inches by 11 3/4 inches in size where cellular telephones are displayed that reads:

"ADVISORY: Cellular telephones should be used with care."

1. Federal health safety standards have yet to be established for nonthermal effects of cellular telephone radiation.

2. Nonthermal effects of cellular telephone radiation have been identified as reasons for health safety concerns, such as brain tumors, fertility issues and other consequences of genetic damage.

3. Avoid contact with head and body.

4. Avoid proximity to reproductive organs.

5. Limit use by children.

6. Pregnant women should avoid use."

**4. Violation.** A violation of this section is a violation of the Maine Unfair Trade Practices Act.

## SUMMARY

This bill provides that a retailer may not sell at retail in this State a cellular telephone unless, at no cost to the Maine retailer, the cellular telephone and its packaging bear a warning label relating to the potential health effects associated with nonthermal effects of cellular telephone radiation. It requires the manufacturer of the cellular telephone to provide the warning labels to the retailer at no cost to the retailer. This bill also requires the retailer to post a sign where cellular telephones are displayed warning of potential health risks associated with the use of cellular telephones. A violation of this provision is a violation of the Maine Unfair Trade Practices Act.