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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1408 Session of  
2011

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INTRODUCED BY V. BROWN, D. O'BRIEN, PARKER, BROWNLEE, DAVIDSON,  
JOSEPHS, MUNDY, YOUNGBLOOD, DALEY, HARPER, PAYTON, STABACK  
AND STERN, APRIL 28, 2011

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 28, 2011

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AN ACT

1 Requiring warning labels on cellular telephones by the Office of  
2 Attorney General; and providing for recall.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Children's  
7 Wireless Protection Act.

8 Section 2. Purpose.

9 The purpose of this act is to inform all citizens about  
10 possible health dangers that have been linked to microwave  
11 radiation that is emitted by cellular telephones and the steps  
12 that can be taken to mitigate those dangers, especially as they  
13 relate to children and pregnant women.

14 Section 3. Declaration of policy.

15 The General Assembly finds and declares as follows:

16 (1) Independent public health experts advise that an  
17 unprecedented public health threat to the millions of

1 cellular telephone users in Pennsylvania exists because of  
2 exposure to electromagnetic radiation that can be emitted by  
3 cellular telephones. Specifically, the experts are concerned  
4 that:

5 (i) Children, fetuses and the reproductive  
6 capacities of men and women are the most vulnerable.

7 (ii) The cellular telephone industry has not  
8 demonstrated cellular telephone safety prior to cellular  
9 telephone marketing, nor does it document health effects  
10 after cellular telephones are sold.

11 (2) Cellular telephones have been sold in the United  
12 States since 1983. However, unlike other radiation emitting  
13 devices, cellular telephones are exempt from regulatory and  
14 legal requirements that ensure that only safe products enter  
15 the marketplace.

16 (3) Children have started to use cellular telephones at  
17 younger ages; therefore, their lifetime exposure to cellular  
18 telephone radio frequencies will likely be great. As a  
19 result, children who use cellular telephones may risk harmful  
20 health effects.

21 (4) The public lacks information about the possible  
22 dangers of microwave radiation and has a right to know about  
23 simple measures that can be taken to reduce exposure to  
24 microwave radiation emitted from cellular telephones.

25 Section 4. Definitions.

26 The following words and phrases when used in this act shall  
27 have the meanings given to them in this section unless the  
28 context clearly indicates otherwise:

29 "Cellular telephone." A device used to access a wireless  
30 telephone service. As used in this act, the term shall include

1 any refurbished or remanufactured cellular telephone. A  
2 refurbished or remanufactured cellular telephone is a used  
3 cellular telephone that has been inspected, tested, repaired and  
4 restored to full working condition at a factory or authorized  
5 service center and made available for resale.

6 Section 5. Warning label requirement.

7 A manufacturer of cellular telephones may not sell at retail  
8 in this Commonwealth, to a retailer in this Commonwealth or for  
9 use in this Commonwealth a cellular telephone unless both the  
10 cellular telephone and its packaging bear a nonremovable warning  
11 label that is legible, located in a prominent place, not  
12 obscured by other written matter, contrasts with the type,  
13 layout and color of the other printed matter, includes a color  
14 graphic symbol, appears on both the front and the back of the  
15 packaging, takes up at least 30% of the back surface of the  
16 cellular telephone and contains the following statement:

17 WARNING

18 This device emits electromagnetic radiation, exposure to  
19 which may cause brain cancer. Users, especially children and  
20 pregnant women, should keep this device away from the head  
21 and body.

22 This warning label requirement shall apply to all refurbished  
23 and remanufactured cellular telephones sold by retailers for  
24 profit in this Commonwealth.

25 Section 6. Display.

26 All stores, retailers and businesses that sell cellular  
27 telephones for profit are required to prominently and  
28 conspicuously display signs, brochures, leaflets and other  
29 paraphernalia bearing the warning under section 5.

30 Section 7. Nonconformity with standards.

1       If at any time the Attorney General determines that a  
2 cellular telephone subject to the provisions of this act and  
3 sold two years following the effective date of this act or  
4 thereafter does not conform with the standards required by  
5 section 5, the Attorney General may order the recall and  
6 replacement of the cellular telephone or order that the cellular  
7 telephone be brought into conformity with those requirements.

8 Section 8. Advisory warning.

9       The Office of Attorney General shall issue an advisory  
10 warning of the effects of cellular telephone usage to the public  
11 and on its Internet website.

12 Section 9. Effective date.

13       This act shall take effect in 60 days.