

AMENDED IN SENATE MAY 28, 2010
AMENDED IN SENATE APRIL 22, 2010

SENATE BILL

No. 1212

Introduced by Senator Leno

February 18, 2010

An act to add Chapter 5.5 (commencing with Section 108667) to Part 3 of Division 104 of the Health and Safety Code, relating to cellular telephones.

LEGISLATIVE COUNSEL'S DIGEST

SB 1212, as amended, Leno. Cellular telephone devices: specific absorption rate disclosure.

Existing law regulates the labeling requirements for various consumer products.

This bill would require specific language relating to the specific absorption rate, as defined, to be included at the point of sale *on the Internet Web site of a phone service provider or manufacturer*, on the exterior packaging, and in the instruction manuals of cellular telephone devices, as defined, that are sold in the State of California.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Four billion people around the globe own cell phones. As
- 4 the market for new devices has grown, so have concerns about the

1 ~~safety of cell phone radiofrequency energy~~ *long-term exposure to*
 2 ~~the radiofrequency energy emitted by cell phones.~~

3 (b) While the science is incomplete about cell phone safety,
 4 consumers have a right to know how much radiofrequency energy
 5 their cell phones emit as measured by the specific absorption rate
 6 (SAR).

7 (c) Given children’s *thinner skulls*, smaller head sizes, *and still*
 8 *developing brains*, they may be more susceptible to *the effects of*
 9 *long-term exposure to radiofrequency energy*~~effects~~ than adults.

10 (d) More adolescents are using cell phones and hands-free
 11 devices as our society becomes more mobile.

12 ~~(e) The SAR values of phones can be confusing and several~~
 13 ~~models have different values for different “modes” of cellular~~
 14 ~~telephone devices.~~

15 (f)

16 (e) There is growing public concern about the long-term health
 17 effects of exposure to cell phone radiofrequency energy~~and the~~
 18 ~~effects that radiofrequency energy can have on both the head and~~
 19 ~~the body..~~

20 (g)

21 (f) Cell phones are an important tool of communication,
 22 especially during times of emergency, and the government should
 23 ensure that wireless devices are safe for long-term use.

24 SEC. 2. Chapter 5.5 (commencing with Section 108667) is
 25 added to Part 3 of Division 104 of the Health and Safety Code, to
 26 read:

27

28 CHAPTER 5.5. CELLULAR TELEPHONE DEVICES

29

30 108667. For purposes of this chapter the following definitions
 31 shall apply:

32 (a) “Cellular telephone device” means either a cellular telephone
 33 or a hands-free device that emits at least 0.001 W/kg (watts per
 34 kilogram) of radiofrequency energy, including, but not limited to,
 35 hands-free devices used in combination with a cellular telephone.
 36 “Cellular telephone device” includes products that are shipped
 37 from the manufacturer or that have been reconditioned by the
 38 manufacturer or someone authorized by the original manufacturer.
 39 “Cellular telephone device” does not include products that are

1 sold, either new or used, by a person not authorized by the
2 manufacturer.

3 (b) “Hands-free device” means a wireless device used when
4 placing or receiving a call on a cellular telephone device that emits
5 at least 0.001 W/kg of radiofrequency energy *when the device is*
6 *worn as directed by the manufacturer.*

7 (c) “Specific absorption rate” or “SAR” means the highest
8 detected value of *radiofrequency energy* averaged over one gram
9 of tissue in the shape of a cube. The standard unit of peak spatial
10 average SAR is the watt per kilogram (W/kg). The SAR value to
11 be used for disclosure pursuant to this chapter is the SAR value
12 reported to the Federal Communications Commission (FCC) by
13 the manufacturer.

14 108667.3. (a) The SAR for a cellular telephone device that is
15 available for purchase by the public in the state shall be
16 prominently displayed by the seller immediately adjacent to the
17 displayed purchase price. This provision applies to both physical
18 ~~retail locations and retailers’ Internet Web sites. The only to phone~~
19 ~~service providers’ and manufacturers’ Internet Web sites. It does~~
20 ~~not apply to a physical retail location.~~ The following phrase shall
21 be clearly printed: “This device emits radiofrequency energy. The
22 federal specific absorption rate (SAR; a measure of radiofrequency
23 energy) limit is _____. This device emits a maximum of _____ when
24 ~~held at the ear and a maximum of _____ when attached to the body.”~~
25 _____.”

26 (b) ~~The retailer~~ *manufacturer* for hands-free devices designed
27 to be used with cellular telephone devices shall list the maximum
28 SAR value, as reported to the FCC, when the device is worn as
29 directed by the telephone manufacturer.

30 108667.5. The following phrase shall be printed on the exterior
31 of the packaging or on a label attached to the exterior packaging
32 of all cellular telephone devices sold in the state: “This device
33 emits radiofrequency energy. The federal specific absorption rate
34 (SAR; a measure of radiofrequency energy) limit is _____. This
35 device emits a maximum of _____ ~~when held at the ear and a~~
36 ~~maximum of _____ when attached to the body.” _____.~~”

37 108667.7. The maximum SAR value, as reported to the FCC
38 by the manufacturer, for each mode of use of the cellular telephone
39 device for the head and body shall be included in all instruction
40 manuals packaged and sold with the cellular telephone device,

1 including the following phrase: “This device emits radiofrequency
2 energy. The federal specific absorption rate (SAR; a measure of
3 radiofrequency energy) limit is _____. When used in mode _____
4 this device emits a maximum of _____ per 1 gram of tissue when
5 held at the head and a maximum of _____ per 1 gram of tissue when
6 attached to the body.”

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