

LEGISLATIVE DIGEST

[Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values]

Ordinance amending the San Francisco Environment Code by amending Sections 1103 and 1105, to require cell phone retailers to provide customers upon request with factsheets regarding Specific Absorption Rate values for cell phones and the use of cell phones, and to delay the enforcement date for certain provisions of the Chapter 11, the "Cell Phone Right-to-Know Ordinance," and making environmental findings.

Duty to Provide Departmental Factsheet

Chapter 11 of the San Francisco Environment Code, the "Cell Phone Right-to-Know Ordinance," requires the Department of the Environment to prepare a supplemental factsheet regarding SAR values and the use of cell phones, and requires cell phone retailers to include a notice on various display materials that additional educational materials regarding SAR values and cell phone use are available from the cell phone retailer.

The proposal would make express the requirement that a cell phone retailer provide a free copy of the Department's factsheet to any customer who requests one.

Compliance Date for "Formula Cell Phone Retailers"

Chapter 11 currently provides that "formula cell phone retailers" ¹ must comply with the disclosure requirements beginning February 1, 2010, although the City will not actually enforce the requirements against them until May 1, 2011. (All other cell phone retailers must comply with the disclosure requirements beginning February 1, 2012; the City will not actually enforce the requirements against them until August 1, 2012.)

The proposal would move the compliance date for formula cell phone retailers from February 1, 2011 to May 1, 2011.

¹ Under the Chapter, a "formula cell phone retailer" is one "which sells or leases cell phones to the public . . . through a retail sales establishment located in the City which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise; a standardized facade; a standardized decor and color scheme; a uniform apparel; standardized signage; or, a trademark or service mark."

The amendment is not intended to have any effect upon regulations previously adopted by the Department of the Environment to implement Chapter 11.