

HOUSE No. 110

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Duffy, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act halting 5G high frequencies and close proximity antennas.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kirstin Beatty</i>	<i>149 Central Park Drive, Holyoke, MA 01040</i>	<i>2/19/2021</i>

HOUSE No. 110

By Ms. Duffy of Holyoke (by request), a petition (accompanied by bill, House, No. 110) of Kirstin Beatty relative to halting 5G high frequencies and close proximity antennas. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act halting 5G high frequencies and close proximity antennas.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The legislature finds and confirms all of the following:-

2 Whereas, federal telecommunications law recognizes the right of states to “impose, on a
3 competitively neutral basis” requirements to protect public safety and welfare (47 U.S. Code §
4 253).

5 Whereas, “promoting safety of life and property” is one purpose of the Federal
6 Communications Commission (FCC) in supporting wire and radio communication service, the
7 other being national defense (47 U.S. Code § 151).

8 Whereas, the FCC is not a medical agency and has failed to consult with proper
9 authorities on the safety of wire and radio communication services.

10 Whereas, based on responses of the ruling judges, the FCC is likely to lose a procedural
11 case highlighting its failures in pronouncing current wire and radio communication service safe

12 despite substantive research and docket commentary to the contrary (Environmental Health
13 Trust, et al. v. Federal Communications Commission, Nos. 20-1025 and 20-1138).

14 Whereas, non-ionizing radiation exposures have exponentially increased since 2010 from
15 FCC new frequency band auctions, fast-track approval of tens of thousands of 5G satellites,
16 regulations designed to bypass municipal zoning, outdated exposure guidelines, and allowances
17 for cell tower antennas on street lights and other nearby installations.

18 Whereas, NASA, the Department of Defense, scientists, and other stakeholders have
19 warned that the use of new frequency bands risks destroying functionality of weather forecasting,
20 GPS, railroads scheduling, critical astronomy, aviation, cybersecurity, and utility infrastructure
21 communications.

22 Whereas, scientific experts warn and some have confirmed that extremely high
23 exposures, potentially exceeding outdated FCC guidelines, result from either or both (a) the use
24 of new millimeter wave frequencies and (b) the density and proximity of cell tower transmitters
25 for 5G, 6G, and the Internet of Things.

26 Whereas, heating of bees and other insects rises alongside higher frequencies from 6 GHz
27 – hence, the use of millimeter waves and other high frequencies for 5G is harmful to pollination,
28 soil, and life (Thielens et al., Exposure of Insects to Radio-Frequency Electromagnetic Fields
29 from 2 to 120 GHz, Scientific Reports, 2018).

30 Whereas, scientists have confirmed millimeter waves and other high frequencies can heat
31 and damage skin even at levels within FCC guidelines (Neufeld and Kuster, 2018; Betzalel et al.,
32 2017, 2018).

33 Whereas, the U.S. and other countries have used millimeter waves at high power to
34 painfully disable opposition – hacking software systems could turn residential 5G antennas into
35 weapons targeted at individuals or groups.

36 Even without the concerns of 5G and 6G, our exposures from personal devices and
37 ambient radiation are problematic as peer-reviewed research indicates effects of increased
38 cancer, dementia, learning disability, depression, infertility, autoimmune disease, pain, et cetera,
39 that is most harmful to vulnerable populations such as youth, the elderly, and infants.

40 Whereas, all have certain inalienable rights, among them life and the pursuit of
41 happiness, and the Commonwealth is charged with securing these rights even if the United States
42 fails.

43 Resolved, that the policy goals of this act shall be to halt especially dangerous non-
44 ionizing radiation exposures, in particular new exposures approved by the FCC in the last
45 decade.

46 SECTION 2. Chapter 111 of the General Laws as appearing in the 2021 Official Edition,
47 is hereby amended by inserting after Section 5O the following section:-

48 Section 5O1. (a) Definitions. As used in this section, the following words shall have the
49 following meanings:

50 “Small cell network” means a network consisting of one or more nodes connected,
51 directly or indirectly, by fiber to a wireless service provider's mobile switching center or other
52 point of interconnection.

53 “Microcells” are the largest and most powerful small cell, often installed by network
54 operators on utility poles, traffic lights, and sign, and includes a “small wireless facility” as
55 defined I 47 C.F.R. § 1.6002(1), as may be amended or superseded.

56 (b) The radiation regulatory agency, previously called the radiation control department,
57 shall prepare and manage a timeline for the removal of wireless facilities and use of frequencies
58 deemed to be especially dangerous to health and shall verify removal. The agency shall focus
59 efforts on the removal of microcells and the elimination of the use of frequencies above 6 GHz,
60 especially higher frequencies. The agency may make a temporary exception for public safety
61 telecommunication services to allow for a transition to alternative communication services.

62 (c) Every wireless facility and product provide to the agency as the agency specifies a
63 report of its existence, frequencies utilized, purpose, location, position relative to the public, and
64 ownership, including names of board members, parent companies, and affiliates. Failure to report
65 within 60 days of the passage of this law shall result in a fine of up to 3% of the prior year’s
66 income for all parties concerned, ensuing fines of up to \$1000 per day, and may include
67 imprisonment twice the days of lapsed reporting. All such reports shall be public record and
68 freely viewable by the public.

69 (d) The agency may appoint and employ such engineers, accountants, bureau chiefs, and
70 other employees as required. The agency may work in with the department of
71 telecommunications to insure a smooth transition.

72 (e) The agency may provide review or certification of products to indicate whether such
73 products (1) avoid wireless; (2) minimize non-ionizing radiation exposures; and (3) utilize
74 frequencies above 6 GHz.

75 (f) The agency shall provide education regarding (1) safer alternatives to wireless
76 products; (2) especially dangerous non-ionizing radiation exposures; (3) types of wireless
77 products to avoid.

78 (g) The agency may set fees for any review, certification, or filing requirements to cover
79 its costs, and may set a sliding scale fee.

80 SECTION 4. Chapter 93 of the General Laws, as appearing in the 2010 Official Edition,
81 is hereby amended by adding the following new section:-

82 Section 116. A lessee of property rented to a mobile services provider for a wireless
83 facility providing personal wireless services, streaming services, or information services, may
84 cancel the contract or agreement without further penalty or obligation and require removal of
85 said wireless facility according to the terms of the contract.

86

87 A consumer with a wireless communications services contract may cancel the contract or
88 agreement without further penalty or obligation.