

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis, (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 requiring wireless infrastructure insurance to support electrical, mechanical, and non-ionizing radiation safety.

PETITION OF:

NAME:

Kirstin Beatty

DISTRICT/ADDRESS:

*149 Central Park Drive, Holyoke, MA
01040*

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act requiring wireless infrastructure insurance to support electrical, mechanical, and non-ionizing radiation safety.

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, decades of research indicates wireless can impair health, with numerous studies
3 showing damage to DNA, to fertility, and increases in cancer, in addition to a growing list of
4 studies showing harm to mental health, diabetes risk, increased dementia, etc.

5 Whereas, wireless facilities are a fire risk due to overloaded poles, poorly maintained
6 equipment, and electrical engineering failures causing dangerous electrical fires near homes that
7 block escape routes and may require an hour or so before utilities shut off power and allow
8 firefighters to put out the fire with resulting loss of emergency call access as power is gone as
9 has been especially problematic in large fires.

10 Whereas, the Pittsfield Board of Health in April 2022 issued an an Emergency Order to
11 Verizon to turn off a cell tower because of sick residents.

12 Whereas, the Massachusetts Association for Boards of Health now includes cell tower
13 risks in the last four pages of the Legal Handbook and Public Health Guidebook for
14 Massachusetts Boards of Health (2021) and also filed an amicus brief in support the injured
15 Pittsfield citizens (referenced above).

16 Whereas, in 2020, Boston in FCC’s 19-226 docket stated: 'Boston believes that the
17 concerns of the public are real and that the Commission has done a disservice to itself, local
18 government, consumers, and even the wireless industry in failing to understand and respond to
19 the broadly shared mistrust of the safety of RF emissions.'

20 Whereas, the Federal Communications Commission has routinely undercut local control,
21 promoted hasty installation, mandated residential antennas, and allowed small 5G antennas
22 serving other users to be placed on private residences without permit under the satellite TV or
23 “OTARD” rule.

24 Resolved, that the policy goals of this act shall be to provide a minimum floor of
25 insurance requirements for wireless infrastructure within the commonwealth to serve as an
26 incentive for insurers to regulate and require safety.

27 SECTION 15. Chapter 111 of the General Laws as appearing in the 2021 Official Edition
28 is hereby amended by inserting after section 50 the following section:--

29 501. (a) Definitions. As used in this section, the following words shall have the
30 following meanings:

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

34 “Mobile service” means the same as defined in 47 U.S.C. § 153(33), as may be
35 amended.

36 “Radio communication” or “radio services” means the transmission by radiofrequency of
37 writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities,
38 apparatus, and services (among other things, the receipt, forwarding, and delivery of
39 communications) incidental to such transmission.

40 “Structure” means a pole, tower, base station, or other building, whether or not it has an
41 existing antenna facility, that is used or to be used for the provision of personal wireless service
42 (whether on its own or commingled with other types of services).

43 “Telecommunications service” means the offering of telecommunications for a fee
44 directly to the public, or to such classes of users as to be effectively available directly to the
45 public, regardless of the facilities used.

46 (b) Within the Commonwealth, all providers of transmitting antennas for
47 telecommunications services or for video programming or television broadcast through mobile or
48 radio services are required to carry insurance or, if insurance cannot be obtained, an equivalent
49 bond placed into escrow with an independent escrow agent approved by the either the
50 municipality, if permitted by the municipality, or with an independent escrow agent approved by
51 the radiation regulatory agency. The insurance or the bond must at minimum fulfills the
52 following conditions:

53 (1) Insurance is provided by a licensed third party provider, and not a self-insured
54 indemnity substitute provided by the applicant.

55 (2) If a municipally permitted antenna, the insurance or bond must name the
56 municipality, including its' elected or appointed officials, commission members, officers,
57 representatives, agents, and employees as additional insureds.

58 (3) Coverage shall at minimum include the following:

59 (i) Commercial general liability and property damage insurance on an "occurrence basis"
60 with limits no less than \$5,000,000 aggregate for a structure or \$1,000,000 for a single microcell
61 antenna or \$500,000 for a single antenna falling under the Over-the-Air-Reception-Device
62 regulations set by the Federal Communications Commission, to cover per occurrence bodily
63 injury, property damage, personal injury, advertising injury, premises liability, products liability,
64 contractual liability, and broad form property damage. The policy shall contain no exclusions for
65 (A) contractual liability; (B) cross liability exclusion for claims or suits by one insured against
66 another; (C) products/ completed operations liability; or (D) pollution including electromagnetic
67 pollution; (E) explosion, fire, or collapse; or (F) contain any other exclusion contrary to the
68 intent of this section.

69 (ii) When relevant, include automobile liability covering automobile accident caused by
70 the antenna provider's autos, or if the owner has no owned autos, by that of its agents and others
71 allowed access onto its property, with a limit no less than \$1,000,000 per accident for bodily and
72 property damage.

73 (iii) When relevant, evidence of workers compensation and employer's liability insurance
74 with a limit of no less than \$2,000,000 per accident for bodily injury or disease, including for
75 pollution and electromagnetic pollution.

76 (c) Exception to the insurance requirement described in subsection (b) shall be made for
77 personal digital devices and home or business appliances with transmitting antennas.