STATE OF NEW YORK

5926

2021-2022 Regular Sessions

IN SENATE

March 23, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT establishing a commission to study the environmental and health effects of evolving 5G technology; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature finds that fifth generation, or 5G, wireless technology is intended to greatly increase device capability and connectivity. Therefore, the legislature finds a commission is needed to examine the advantages and risks associated with 5G technology, with a focus on its environmental impact and potential health effects on citizens of our state.

§ 2. Commission. There is hereby established a temporary commission, to be known as the "commission to study the environmental and health effects of evolving 5G technology" (hereinafter "the commission"), for the purpose of studying the environmental and health effects of evolving wireless technologies, including fifth generation or "5G" technology, including the use of earlier generation technologies.

§ 3. Membership. (a) The commission shall consist of fifteen members to be appointed as follows:

(1) Four individuals with an expertise on issues related to 5G technology, including, but not limited to an expertise in public health, the environment, or the effects of wireless radiation, to be appointed by the temporary president of the senate.

(2) Four individuals with an expertise on issues related to 5G technology, including, but not limited to an expertise in public health, the environment, or the effects of wireless radiation, to be appointed by the speaker of the assembly.

(3) One member from the public with expertise in the biological effects of wireless radiation, to be appointed by the governor.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(4) One member representing the business community, to be appointed by the governor.

(5) One member of the state medical society who specializes in environmental medicine and is familiar with electromagnetic radiation, to be appointed by the governor.

(6) One member of the cell phone/wireless technology industry, to be appointed by the governor.

(7) The commissioner of the department of health of the state of New York, or his or her designee.

(8) The chief information officer of the office of information technology services, or his or her designee.

(9) The commissioner of the department of environmental conservation, or his or her designee.

(b) Vacancies in the membership of the commission shall be filled in the manner provided for original appointments.

(c) A chairperson and vice-chairperson of the commission shall be elected by a majority of its members, all members being present. Eight members of the commission shall constitute a quorum for the purposes of conducting business of the commission.

(d) The commission shall hold at least four public hearings in different regions of the state which shall commence no later than 90 days after the effective date of this act.

(e) Membership on the commission shall not constitute a public office.

(f) The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

§ 4. Duties and scope of inquiry. The commission shall:

(a) Examine the health and environmental impacts of exposure to wireless radio frequency radiation emitted by waves in the 300 kilohertz (kHz) - 100 gigahertz (GHz) range.

(b) Assess the short and long-term health and environmental impacts of exposure to 5G technology, which requires small cell antennas to be placed in close proximity to each other at telephone pole height from the ground and will operate in conjunction with the existing 3G and 4G technology infrastructure.

(c) Receive testimony from the medical community including but not limited to experts in public health, epidemiology and oncology, the scientific community including but not limited to biologists, physicists and electrical engineers, the wireless technology industry including but not limited to, wireless manufacturers and purveyors, as well as other organizations and members of the public with an interest in the deployment of 5G technology.

(d) Consider the following questions:

(1) What peer-reviewed human, animal and cell studies are available and what do they show regarding the potential effects of pulsed wireless radiation on biological systems, human health and behavior, or the environment?

(2) What are other countries setting as wireless radiation human exposure guidelines and how do they compare to such guidelines in the United States?

§ 5. Reporting. (a) The commission shall prepare and publish an interim report and a final report of its findings and recommendations. The reports shall provide any recommendations for proposed legislation developed by the commission.

(b) The commission shall submit the interim report required under subdivision (a) of this section to the speaker of the assembly, the

minority leader of the assembly, the temporary president of the senate, the minority leader of the senate and the governor on or before June 1, 2022, and shall submit the final report required under subdivision (a) of this section to the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate and the governor on or before December 31, 2022.

§ 6. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2022.