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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 741 Session of 2023

INTRODUCED BY MASTRIANO AND DUSH, JUNE 14, 2023

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JUNE 14, 2023

AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for disclosures for certain products.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 56A

DISCLOSURES FOR CERTAIN PRODUCTS

Sec.

§ 56A01. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Cosmetic." An article intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part of the human body for cleansing, beautifying, promoting attractiveness or altering the appearance and an article intended for use as a component of the article.

"Expose." Transmit to another through skin-to-skin contact, sexual activity, droplets or aerosols suspended in the air, introduction into the blood supply or food supply or any other means.

"Food." An article used for food or drink for humans or animals, chewing gum and an article used for components of the article.

"Gene therapy product." A product with a capacity to alter, interfere with or otherwise act in any manner similar or equivalent to genes.

"Genetically modified." The alteration of genetic material through modern biotechnology, directed evolution or any other mechanism in a way that does not occur naturally or that does not occur at its natural rate.

"Product." An article that is:

(1) A food, cosmetic or other substance intended to be ingested, introduced into or applied to the human body or intended to induce physiological effects.

(2) Made available for sale in this Commonwealth to the general public at retail.

§ 56A02. Labels for gene therapy products.

(a) Potential gene therapy products.--A product that has been created to act as, or exposed to processes that could result in the product potentially acting as, a gene therapy or that could otherwise possibly impact, alter or introduce genetic

material or a genetic change into the user of the product, individuals exposed to the product or individuals exposed to others who have used the product shall be conspicuously labeled with the words "Potential Gene Therapy Product" unless the product is known to be a gene therapy product. Reasonable steps shall be taken to ensure that a potential purchaser or user of the product is made aware of the presence of the label required under this subsection.

(b) Gene therapy products.--If a product is known to be a gene therapy product, the product shall be conspicuously labeled with the words "Gene Therapy Product."

(c) Construction.--The provisions of this section shall be liberally construed in favor of disclosure of any potential gene therapy product.

(d) Enforcement.--The Department of Agriculture, Bureau of Food Safety and Laboratory Services, shall promulgate rules and regulations necessary to ensure compliance with this section.

§ 56A03. Products which can expose individuals to disease or genetically modified material.

(a) Written request.--Upon the written request of a resident of this Commonwealth, an entity that produces, sells or distributes a product in this Commonwealth with the capacity to infect an individual with a disease or to expose an individual to genetically modified material, including, vaccines, gene therapies, drugs and medical interventions, shall provide any and all information related to the ways in which individuals who did not directly obtain or use the product may be exposed to the product or a component of the product. A product manufacturer, government agency or organization of any type that has an interest in the production, sale or distribution of the product

shall be subject to the disclosure requirement under this section and shall provide all relevant reports, research and knowledge upon request under this section.

(b) Timing.--An entity under subsection (a) shall provide the information requested under subsection (a) within at least 21 days after receipt of the written request to the resident who made the request.

§ 56A04. Informed consent.

An entity that makes a product available in this Commonwealth that could infect, transmit to or be absorbed in an individual in any way that would act as a medical intervention, vaccine, drug or genetic modification shall obtain fully informed consent from all individuals who could be exposed to the product before exposure could occur. Fully informed consent requires, at a minimum, that an individual is made aware of all benefits and risks, including side effects, of the product, any adverse events of special interest and any other reasonably possible impacts of the product.

Section 2. This act shall take effect in 60 days.