SECOND REGULAR SESSION

SENATE BILL NO. 1223

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

5673S.01I KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 196, RSMo, by adding thereto three new sections relating to required disclosures for certain products.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto three new sections, to be known as sections 196.1400, 196.1405, and 196.1410, to read as follows:

196.1400. 1. For purposes of this section, the following terms mean:

(1) "Cosmetic", the same meaning given to the term in section 196.010, except that the term "cosmetic" shall include soap;

(2) "Food", the same meaning given to the term in section 196.010;

(3) "Gene therapy product", any product with any capacity to alter, interfere with, or otherwise act in any manner similar or equivalent to genes;

(4) "Product", any product that is:

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

(b) Made available for sale in this state to the general public at retail.

2. Any 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 the potential purchaser or user of the product is made aware of the presence of this label.

3. If a product is known to be a gene therapy product, the product shall be conspicuously labeled with the words "Gene Therapy Product".

4. The provisions of this section shall be liberally construed in favor of disclosure of any potential gene therapy product.

196.1405. 1. For purposes of this section, the following terms mean:

(1) "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;

(2) "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.

2. Upon the written request of any resident of this state, any entity that produces, sells, or distributes a product in this state with the capacity to infect an individual with a disease or to expose an individual to

genetically modified material, including, but not limited to, 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 such product may be exposed to the product or a component of the product. Any product manufacturer, government agency, or organization of any type that has an interest in the production, sale, or distribution of such product shall be subject to the disclosure requirement of this section and shall provide all relevant reports, research, and knowledge upon request under this section.

3. Any entity described in subsection 2 of this section shall provide the information requested under subsection 2 of this section as soon as reasonably practicable, but at least within twenty-one days, after receipt of the written request to the resident who made the request.

196.1410. Any entity that makes a product available in this state that could infect, transmit to, or be absorbed in any 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 such 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.

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