

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 883 Session of 2023

INTRODUCED BY MASTRIANO AND HUTCHINSON, AUGUST 16, 2023

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, AUGUST 16, 2023

AN ACT

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

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

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

8 CHAPTER 56A

9 PROHIBITION OF AND DISCLOSURES

10 FOR CERTAIN PRODUCTS

11 Sec.

12 56A01. Definitions.

13 56A02. Prohibition of gene therapy products.

14 56A03. Informed consent.

15 § 56A01. Definitions.

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

19 "Cosmetic." An article intended to be rubbed, poured,

1 sprinkled or sprayed on, introduced into or otherwise applied to
2 the human body or any part of the human body for cleansing,
3 beautifying, promoting attractiveness or altering the appearance
4 and an article intended for use as a component of the article.

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

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

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

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

19 "Product." An article that is:

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

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

25 § 56A02. Prohibition of gene therapy products.

26 (a) Potential gene therapy products.--A product that has
27 been created to act as, or exposed to processes that have
28 resulted or could result in the product potentially acting as, a
29 gene therapy or that could otherwise possibly impact, alter or
30 introduce genetic material or a genetic change into the user of

1 the product, shall be prohibited from being sold for consumption
2 in this Commonwealth.

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

6 § 56A03. Informed consent.

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

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