

SENATE BILL 911

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4lr1570
CF 4lr1572

By: **Senator McKay**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Food, Drugs, and Cosmetics – Gene Structure– and Function–Modifying**
3 **Products – Labeling**

4 FOR the purpose of prohibiting a person from offering for sale in the State a gene
5 structure– and function–modifying product unless the product is labeled in a certain
6 manner; and generally relating to labeling of gene structure– and
7 function–modifying products.

8 BY adding to

9 Article – Health – General

10 Section 21–3A–01 through 21–3A–04 to be under the new subtitle “Subtitle 3A. Gene
11 Structure– and Function–Modifying Products”

12 Annotated Code of Maryland

13 (2023 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 **SUBTITLE 3A. GENE STRUCTURE– AND FUNCTION–MODIFYING PRODUCTS.**

18 **21–3A–01.**

19 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(B) “GENE STRUCTURE– OR FUNCTION–MODIFYING PRODUCT” MEANS A**
22 **PRODUCT THAT HAS BEEN PRODUCED USING MODERN BIOTECHNOLOGY METHODS**
23 **DESIGNED TO ALTER THE STRUCTURE OR FUNCTION OF ONE OR MORE GENES IN THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PRODUCT AND WHICH LEADS TO THE PRODUCT CONTAINING ARTIFICIALLY
2 ENGINEERED ELEMENTS THAT MAY MODIFY THE STRUCTURE OR FUNCTION OF ONE
3 OR MORE GENES IN A CONSUMER.

4 (C) (1) "MODERN BIOTECHNOLOGY METHODS" MEANS A
5 RECENTLY DISCOVERED METHOD OF APPLICATION OF BIOLOGICAL PROCESSES FOR
6 INDUSTRIAL AND OTHER PURPOSES.

7 (2) "MODERN BIOTECHNOLOGY METHODS" INCLUDES:

8 (I) GENE EDITING;

9 (II) RNA INTERFERENCE; AND

10 (III) TRANSGENESIS.

11 21-3A-02.

12 (A) A PERSON MAY NOT OFFER FOR SALE IN THE STATE A GENE
13 STRUCTURE- OR FUNCTION-MODIFYING PRODUCT UNLESS THE GENE
14 STRUCTURE- OR FUNCTION-MODIFYING PRODUCT IS LABELED IN ACCORDANCE
15 WITH SUBSECTION (B) OF THIS SECTION.

16 (B) A GENE STRUCTURE- OR FUNCTION-MODIFYING PRODUCT OFFERED
17 FOR SALE IN THE STATE SHALL BE LABELED, IN A PROMINENT AND CONSPICUOUS
18 MANNER, WITH:

19 (1) THE WORDS "GENE STRUCTURE- OR FUNCTION-MODIFYING
20 PRODUCT"; AND

21 (2) ALL POTENTIAL RISKS, SIDE EFFECTS, ADVERSE EFFECTS, AND
22 OTHER REASONABLY POSSIBLE EFFECTS THAT THE GENE STRUCTURE- OR
23 FUNCTION-MODIFYING PRODUCT MAY HAVE ON AN INDIVIDUAL WHO USES THE
24 GENE STRUCTURE- OR FUNCTION-MODIFYING PRODUCT, OR ON AN INDIVIDUAL
25 WHO MAY COME INTO CONTACT WITH THE INDIVIDUAL WHO USES THE
26 GENE STRUCTURE- OR FUNCTION-MODIFYING PRODUCT.

27 21-3A-03.

28 (A) A PERSON THAT VIOLATES THIS SUBTITLE:

29 (1) IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
30 TO:

1 **(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$10,000 OR**
2 **IMPRISONMENT NOT EXCEEDING 1 YEAR; AND**

3 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT**
4 **EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS;**

5 **(2) IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$5,000 IN AN**
6 **ACTION IN A DISTRICT COURT; AND**

7 **(3) MAY BE ENJOINED FROM CONTINUING THE VIOLATION.**

8 **(B) EACH DAY ON WHICH A VIOLATION OCCURS AFTER CONVICTION FOR A**
9 **FIRST OFFENSE IS A SEPARATE VIOLATION UNDER THIS SECTION.**

10 **21-3A-04.**

11 **THIS SUBTITLE SHALL BE CONSTRUED LIBERALLY TO CARRY OUT ITS**
12 **PURPOSE.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
14 **October 1, 2024.**