

SECOND REGULAR SESSION

HOUSE BILL NO. 1947

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES REID, CUNNINGHAM, BARRY,
HOSMER AND GREEN (73) (Co-sponsors).

Read 1st time February 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2854L.011

AN ACT

To amend chapter 38, RSMo, by adding thereto one new section relating to a biological agents registry.

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

Section A. Chapter 38, RSMo, is amended by adding thereto one new section, to be
2 known as section 38.300, to read as follows:

**38.300. 1. By January 1, 2003, the department of health and senior services shall
2 establish and administer a program for the registration of biological agents. The biological
3 agents registry shall identify the biological agents possessed and maintained by any person
4 in this state and shall contain any other information required by rule of the department.**

5 2. As used in this section, the following terms mean:

6 (1) "Biological agent":

**7 (a) Any select agent that is a microorganism, virus, bacterium, fungus, rickettsia,
8 or toxin listed in Appendix A of Part 72 of Title 42 of the Code of Federal Regulations;**

**9 (b) Any genetically modified microorganisms or genetic elements from an organism
10 in Appendix A of Part 72 of Title 42 of the Code of Federal Regulations shown to produce
11 or encode for a factor associated with a disease;**

**12 (c) Any genetically modified microorganisms or genetic elements that contain
13 nucleic acid sequences coding for any of the toxins listed in Appendix A of Part 72 of Title
14 42 of the Code of Federal Regulations, or their toxic submits;**

15 (2) "Department", the Missouri department of health and senior services;

**16 (3) "Person", any association, business, corporation, facility, firm, individual,
17 institution of higher education, organization, partnership, society, state agency, or other
18 legal entity.**

19 **3. The department shall promulgate rules for the implementation of the registry**
20 **program as follows:**

21 **(1) Determining and listing the biological agents required to be reported under this**
22 **section;**

23 **(2) Designating persons required to make reports and specific information required**
24 **to be reported, including time limits for reporting, form of reports, and to whom reports**
25 **shall be submitted;**

26 **(3) Providing for the release of information in the registry to state and federal law**
27 **enforcement agencies and the United States Centers for Disease Control and Prevention**
28 **pursuant to communicable disease investigation commenced or conducted by the**
29 **department or other state or federal law enforcement agency having investigatory**
30 **authority, or in connection with any investigation involving release, theft, or loss of**
31 **biological agents;**

32 **(4) Establishing a system of safeguards that requires persons possessing and**
33 **maintaining biological agents subject to this section to comply with the same federal**
34 **standards that apply to persons registered to possess the same agents under federal law;**

35 **(5) Establishing a process for persons that possess and maintain biological agents**
36 **to alert the appropriate authorities of unauthorized possession or attempted possession of**
37 **biological agents, including designating the appropriate authorities for receipt of alerts**
38 **from such persons; and**

39 **4. Any person who possesses or maintains any biological agent required to be**
40 **reported under this section shall report to the department the information required for**
41 **inclusion in the biological agent registry.**

42 **5. Any person that possesses and maintains biological agents shall alert the**
43 **appropriate authorities, as determined by rule of the department, immediately upon the**
44 **discovery of any release, theft, or loss of a biological agent. For purposes of this subsection,**
45 **"immediately" means as soon as practicable, but in no event more than four hours.**

46 **6. No rule or portion of a rule promulgated under the authority of this section shall**
47 **become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

48 **7. Except as otherwise provided in this section, information prepared for or**
49 **maintained in the registry under this section shall be confidential and shall not be a public**
50 **record as defined in chapter 610, RSMo. The department may, in accordance with the**
51 **rules adopted pursuant to this section, release information contained in the biological agent**
52 **registry for the purpose of conducting or aiding in a communicable disease investigation.**
53 **The department shall cooperate with and may share information contained in the**
54 **biological agent registry with the United States Centers for Disease Control and**

55 **Prevention, and state and federal law enforcement agencies in any investigation involving**
56 **the release, theft, or loss of a biological agent required to be reported under this section.**
57 **Release of information from the registry as authorized under this subsection shall not**
58 **render the information released as public record under chapter 610, RSMo. Release of**
59 **information from the registry as authorized under this subsection also shall not render the**
60 **information prepared for or maintained in the registry as a public record under chapter**
61 **621, RSMo.**

62 **8. Any person who willfully or knowingly violates this section shall be subject to**
63 **a civil penalty of up to one thousand dollars. Each day of a continuing violation of this**
64 **section shall constitute a separate offense.**