
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **1520** Session of
2019

INTRODUCED BY SNYDER, CAUSER, PASHINSKI, BERNSTINE, A. DAVIS,
T. DAVIS, DeLISSIO, FEE, FREEMAN, GREINER, HANBIDGE, HERSHEY,
HICKERNELL, M. K. KELLER, KINSEY, LONGIETTI, MALAGARI,
MILLARD, OWLETT, RYAN, SAPPEY, SAYLOR, STRUZZI, WEBSTER,
ZIMMERMAN, IRVIN, BURGOS, RABB, SAINATO, KORTZ AND KENYATTA,
MAY 29, 2019

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS
AMENDED, JUNE 24, 2019

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, ~~providing for grant programs.~~ IN PENNSYLVANIA <--
3 PREFERRED® TRADEMARK, FURTHER PROVIDING FOR PENNSYLVANIA
4 PREFERRED® TRADEMARK LICENSING FUND AND PROVIDING FOR
5 MILITARY VETERANS; PROVIDING FOR GRANT PROGRAMS; AND MAKING
6 EDITORIAL CHANGES.

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

9 ~~Section 1. Title 3 of the Pennsylvania Consolidated Statutes~~ <--
10 ~~is amended by adding a part to read:~~

11 SECTION 1. CHAPTER 46 OF TITLE 3 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBCHAPTER HEADING
13 IMMEDIATELY PRECEDING SECTION 4601 TO READ:

SUBCHAPTER A

GENERAL PROVISIONS

16 SECTION 2. CHAPTER 46 OF TITLE 3 IS AMENDED BY ADDING A
17 SUBCHAPTER HEADING IMMEDIATELY PRECEDING SECTION 4603 TO READ:

1 FEDERAL AND STATE FOOD QUALITY, SANITATION, SAFETY AND
2 LABELING STANDARDS REGULATIONS; AND

3 (III) THE USE OF WHICH, TO THE MAXIMUM EXTENT
4 POSSIBLE GIVEN PRODUCTION SEASON RESTRICTIONS OR MARKET
5 AVAILABILITY, IS A PENNSYLVANIA-PRODUCED AGRICULTURAL
6 COMMODITY.

7 (3) BE A PERSON THAT PROMOTES OR MARKETS AN AGRICULTURAL
8 COMMODITY FROM A PERSON THAT MEETS THE PROVISIONS OF
9 PARAGRAPH (1) OR (2).

10 (4) BE A PUBLIC EATING AND DRINKING PLACE LICENSED UNDER
11 AND IN COMPLIANCE WITH SUBCHAPTER A OF CHAPTER 57 (RELATING
12 TO RETAIL FOOD FACILITY SAFETY) OR UNDER THE ACT OF AUGUST
13 24, 1951 (P.L.1304, NO.315), KNOWN AS THE LOCAL HEALTH
14 ADMINISTRATION LAW, WHICH OFFERS A MENU ITEM THAT INCLUDES AN
15 AGRICULTURAL COMMODITY FROM A PERSON THAT MEETS THE
16 PROVISIONS OF PARAGRAPH (1) OR (2).

17 (5) BE A PERSON APPROVED BY THE DEPARTMENT TO USE AND
18 PROMOTE THE USE OF THE PENNSYLVANIA PREFERRED® TRADEMARK TO
19 CONSTITUENCIES IN FURTHERING THE PURPOSES OF THIS CHAPTER.

20 § [4605] 4613. DUTIES AND AUTHORITY OF DEPARTMENT.

21 (A) DEPARTMENT AUTHORITY TO ENTER INTO TRADEMARK LICENSE
22 AGREEMENTS.--

23 (1) THE DEPARTMENT MAY ENTER INTO A TRADEMARK LICENSE
24 AGREEMENT WITH A QUALIFIED ENTITY.

25 (2) THE DEPARTMENT SHALL ESTABLISH THE TERMS AND
26 CONDITIONS UNDER WHICH A PERSON MAY BE LICENSED TO USE THE
27 PENNSYLVANIA PREFERRED® TRADEMARK. TERMS AND CONDITIONS SHALL
28 REQUIRE A LICENSEE TO PRODUCE, PROCESS, PROMOTE OR MARKET AN
29 AGRICULTURAL COMMODITY IN A MANNER ACCEPTABLE TO THE
30 DEPARTMENT WHICH PROTECTS THE REPUTATION OF THE PENNSYLVANIA

1 PREFERRED® TRADEMARK.

2 (3) THE DEPARTMENT MAY PERIODICALLY REVIEW A LICENSING
3 AGREEMENT TO DETERMINE IF THE TERMS ARE BEING MET.

4 (B) COOPERATIVE ACTIVITIES.--THE DEPARTMENT MAY ENGAGE IN
5 COOPERATIVE ACTIVITIES TO IMPLEMENT AND ADVANCE THE PURPOSES OF
6 THIS CHAPTER.

7 § [4606] 4614. TRADEMARK LICENSE AGREEMENT, APPLICATION AND
8 LICENSURE PROCESS.

9 (A) GENERAL RULE.--

10 (1) A QUALIFIED ENTITY MAY APPLY TO BE LICENSED TO USE
11 THE PENNSYLVANIA PREFERRED® TRADEMARK.

12 (2) AN APPLICATION SHALL BE ON A FORM PREPARED BY THE
13 DEPARTMENT AND SHALL REQUIRE IDENTIFICATION INFORMATION AND
14 OTHER INFORMATION THE DEPARTMENT DEEMS NECESSARY TO DETERMINE
15 IF AN APPLICANT IS A QUALIFIED ENTITY.

16 (3) THE APPLICATION FORM SHALL BE PROVIDED BY THE
17 DEPARTMENT UPON REQUEST.

18 (4) THE DEPARTMENT SHALL HAVE THE DISCRETION TO
19 DETERMINE WHETHER A PERSON IS A QUALIFIED ENTITY FOR PURPOSES
20 OF THIS CHAPTER.

21 (5) IF THE DEPARTMENT DETERMINES THAT AN APPLICANT IS A
22 QUALIFIED ENTITY, IT SHALL OFFER THAT QUALIFIED ENTITY A
23 TRADEMARK LICENSE AGREEMENT.

24 (6) A TRADEMARK LICENSE AGREEMENT UNDER THIS CHAPTER
25 SHALL BE EFFECTIVE FOR ONE YEAR FROM THE DATE UPON WHICH AN
26 AGREEMENT IS EXECUTED AND MAY BE RENEWED. AN AGREEMENT SHALL
27 CONTAIN PROVISIONS ALLOWING FOR THE TERMINATION OF THE
28 LICENSE AGREEMENT BY THE DEPARTMENT OR A LICENSEE UPON 60
29 DAYS' ADVANCE WRITTEN NOTICE TO THE OTHER PARTY.

30 (B) PREEXISTING TRADEMARK LICENSE AGREEMENTS.--A TRADEMARK

1 LICENSE AGREEMENT THAT IS IN EFFECT PRIOR TO THE EFFECTIVE DATE
2 OF THIS SECTION AND THAT AUTHORIZES THE USE OF A PENNSYLVANIA
3 PREFERRED® TRADEMARK SHALL REMAIN IN EFFECT UNTIL IT IS
4 TERMINATED OR UNTIL THE END OF THE CURRENT CONTRACT YEAR,
5 WHICHEVER OCCURS FIRST.

6 § [4607] 4615. COSTS.

7 REIMBURSEMENT OF COSTS ARE AS FOLLOWS:

8 (1) THE DEPARTMENT MAY CHARGE A LICENSEE FOR COSTS
9 INCURRED BY THE DEPARTMENT IN CONNECTION WITH THAT LICENSEE'S
10 PARTICIPATION IN ANY ACTIVITY, TRADE SHOW, EXHIBITION OR
11 OTHER PROMOTIONAL EVENT CONDUCTED OR FACILITATED BY THE
12 DEPARTMENT. A CHARGE SHALL REASONABLY REFLECT THE COSTS
13 INCURRED BY THE DEPARTMENT IN FACILITATING THE LICENSEE'S
14 PARTICIPATION AND MAY INCLUDE SUCH COSTS AS PROPORTIONAL
15 SHARES OF EVENT REGISTRATION FEES, EQUIPMENT RENTAL FEES,
16 DISPLAY AREA RENTAL FEES AND RELATED COSTS.

17 (2) THE DEPARTMENT MAY CHARGE A LICENSEE FOR COSTS OF
18 PENNSYLVANIA PREFERRED® PROMOTIONAL MATERIALS PROVIDED BY THE
19 DEPARTMENT AT THE REQUEST OF THE LICENSEE.

20 SECTION 4. SECTION 4608 OF TITLE 3 IS AMENDED TO READ:

21 § [4608] 4616. PENNSYLVANIA PREFERRED® TRADEMARK LICENSING
22 FUND.

23 (A) ESTABLISHMENT.--THERE IS ESTABLISHED IN THE STATE
24 TREASURY A SPECIAL FUND WHICH SHALL BE AN INTEREST-BEARING
25 RESTRICTED REVENUE ACCOUNT TO BE KNOWN AS THE PENNSYLVANIA
26 PREFERRED® TRADEMARK LICENSING FUND. THE FOLLOWING MONEY SHALL
27 BE DEPOSITED INTO THE FUND:

28 (1) MONEY AS IS APPROPRIATED, GIVEN, GRANTED OR DONATED
29 FOR THE PURPOSE ESTABLISHED UNDER THIS CHAPTER BY THE FEDERAL
30 GOVERNMENT, THE COMMONWEALTH OR ANY OTHER GOVERNMENT OR

1 PRIVATE AGENCY OR PERSON.

2 (2) FUNDS DERIVED FROM THE COSTS ESTABLISHED UNDER
3 SECTION [4607] 4615 (RELATING TO COSTS).

4 (3) FUNDS DERIVED FROM CIVIL PENALTIES COLLECTED BY THE
5 DEPARTMENT UNDER SECTION [4609] 4617 (RELATING TO CIVIL
6 PENALTIES).

7 (B) APPROPRIATION.--MONEY IN THE FUND IS APPROPRIATED ON A
8 CONTINUING BASIS TO THE DEPARTMENT FOR THE PURPOSE OF
9 ADMINISTERING THIS CHAPTER. ALL INTEREST AND EARNINGS RECEIVED
10 FROM INVESTMENT OR DEPOSIT OF THE MONEY IN THE FUND SHALL BE
11 PAID INTO THE ACCOUNT FOR THE PURPOSE AUTHORIZED BY THIS
12 SECTION. ANY UNEXPENDED MONEY AND ANY INTEREST OR EARNINGS ON
13 THE MONEY IN THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE
14 GENERAL FUND, BUT SHALL REMAIN IN THE ACCOUNT TO BE USED BY THE
15 DEPARTMENT FOR THE PURPOSE SPECIFIED UNDER THIS SECTION.

16 (C) USE.--MONEY DEPOSITED IN THE FUND SHALL BE USED AS
17 FOLLOWS:

18 (1) TO PROMOTE THE LICENSURE AND USE OF THE PENNSYLVANIA
19 PREFERRED® TRADEMARK WITH RESPECT TO PENNSYLVANIA-PRODUCED
20 AGRICULTURAL COMMODITIES.

21 (2) TO PROMOTE THE PENNSYLVANIA PREFERRED® TRADEMARK AS
22 AN IDENTIFICATION OF ORIGIN AND QUALITY.

23 (3) TO PROMOTE PENNSYLVANIA-PRODUCED AGRICULTURAL
24 COMMODITIES WITH RESPECT TO WHICH THE PENNSYLVANIA PREFERRED®
25 TRADEMARK IS LICENSED.

26 (4) TO PAY COSTS ASSOCIATED WITH MONITORING THE USE OF
27 THE PENNSYLVANIA PREFERRED® TRADEMARK, PROHIBITING THE
28 UNLAWFUL OR UNAUTHORIZED USE OF THE TRADEMARK AND ENFORCING
29 RIGHTS IN THE TRADEMARK.

30 (4.1) TO PROMOTE PARTICIPATION UNDER THIS CHAPTER BY

1 QUALIFIED VETERANS AND QUALIFIED VETERAN BUSINESS ENTITIES.

2 (4.2) TO PROMOTE, ENCOURAGE AND FACILITATE COOPERATION
3 BY THE DEPARTMENT WITH MILITARY, GOVERNMENT OR PRIVATE SECTOR
4 MARKETING EFFORTS THAT IDENTIFY, EMPHASIZE AND ENCOURAGE THE
5 PRODUCTION AND MARKETING OF PENNSYLVANIA-PRODUCED
6 AGRICULTURAL COMMODITIES BY QUALIFIED VETERANS AND QUALIFIED
7 VETERAN BUSINESS ENTITIES.

8 (5) TO OTHERWISE FUND THE DEPARTMENT'S COSTS IN
9 ADMINISTERING AND ENFORCING THIS CHAPTER.

10 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
11 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
12 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

13 "QUALIFIED VETERAN." AS DEFINED UNDER SECTION 4632 (RELATING
14 TO DEFINITIONS).

15 "QUALIFIED VETERAN BUSINESS ENTITY." AS DEFINED UNDER
16 SECTION 4632.

17 SECTION 5. SECTION 4609 OF TITLE 3 IS RENUMBERED TO READ:

18 § [4609] 4617. CIVIL PENALTIES.

19 IN ADDITION TO ANY OTHER REMEDY AVAILABLE AT LAW OR IN EQUITY
20 FOR A VIOLATION OF A PROVISION OF THIS CHAPTER OR A TRADEMARK
21 LICENSE AGREEMENT ESTABLISHED UNDER THIS CHAPTER, THE DEPARTMENT
22 MAY ASSESS A CIVIL PENALTY UPON THE PERSON RESPONSIBLE FOR THE
23 VIOLATION. THE CIVIL PENALTY ASSESSED SHALL NOT EXCEED \$10,000
24 AND SHALL BE PAYABLE TO THE COMMONWEALTH AND COLLECTIBLE IN ANY
25 MANNER PROVIDED UNDER LAW FOR THE COLLECTION OF DEBT.

26 SECTION 6. SECTION 4610 OF TITLE 3 IS AMENDED TO READ:

27 § [4610] 4618. INJUNCTIVE RELIEF.

28 IN ADDITION TO ANY OTHER REMEDIES PROVIDED FOR UNDER THIS
29 CHAPTER, THE ATTORNEY GENERAL, AT THE REQUEST OF THE DEPARTMENT,
30 MAY INITIATE, IN THE COMMONWEALTH COURT OR THE COURT OF COMMON

1 PLEAS OF THE COUNTY IN WHICH THE DEFENDANT RESIDES OR HAS HIS
2 PLACE OF BUSINESS, AN ACTION IN EQUITY FOR AN INJUNCTION TO
3 RESTRAIN VIOLATIONS OF THIS CHAPTER OR A TRADEMARK LICENSE
4 AGREEMENT. IN THE PROCEEDING, THE COURT SHALL, UPON MOTION OF
5 THE COMMONWEALTH, ISSUE A PRELIMINARY INJUNCTION IF IT FINDS
6 THAT THE DEFENDANT IS ENGAGING IN UNLAWFUL CONDUCT UNDER THIS
7 CHAPTER OR IS ENGAGING IN CONDUCT WHICH IS CAUSING IMMEDIATE OR
8 IRREPARABLE HARM TO THE PUBLIC. THE COMMONWEALTH SHALL NOT BE
9 REQUIRED TO FURNISH BOND OR OTHER SECURITY IN CONNECTION WITH
10 THE PROCEEDINGS. IN ADDITION TO AN INJUNCTION, THE COURT, IN
11 EQUITY PROCEEDINGS, MAY LEVY CIVIL PENALTIES AS PROVIDED UNDER
12 SECTION [4609] 4617 (RELATING TO CIVIL PENALTIES).

13 SECTION 6.1. SECTION 4611 OF TITLE 3 IS RENUMBERED TO READ:
14 § [4611] 4619. RULES AND REGULATIONS.

15 THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS
16 NECESSARY TO PROMOTE THE EFFICIENT, UNIFORM AND STATEWIDE
17 ADMINISTRATION OF THIS CHAPTER. FOR TWO YEARS FROM THE EFFECTIVE
18 DATE OF THIS SECTION, THE DEPARTMENT SHALL HAVE THE POWER AND
19 AUTHORITY TO PROMULGATE, ADOPT AND USE GUIDELINES TO IMPLEMENT
20 THE PROVISIONS OF THIS CHAPTER. THE GUIDELINES SHALL BE
21 PUBLISHED IN THE PENNSYLVANIA BULLETIN BUT SHALL NOT BE SUBJECT
22 TO REVIEW UNDER SECTION 205 OF THE ACT OF JULY 31, 1968
23 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS
24 LAW, SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER 15, 1980
25 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT, OR
26 THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
27 REGULATORY REVIEW ACT. ALL GUIDELINES SHALL EXPIRE NO LATER THAN
28 DECEMBER 31, 2013, AND SHALL BE REPLACED BY REGULATIONS WHICH
29 SHALL HAVE BEEN PROMULGATED, ADOPTED AND PUBLISHED AS PROVIDED
30 UNDER LAW.

1 SECTION 7. CHAPTER 46 OF TITLE 3 IS AMENDED BY ADDING
2 SUBCHAPTERS TO READ:

3 SUBCHAPTER C

4 (RESERVED)

5 SUBCHAPTER D

6 MILITARY VETERANS

7 SEC.

8 4631. PURPOSE.

9 4632. DEFINITIONS.

10 4633. QUALIFIED VETERANS AND QUALIFIED VETERAN BUSINESS
11 ENTITIES.

12 § 4631. PURPOSE.

13 THE PURPOSE OF THIS SUBCHAPTER IS TO:

14 (1) BENEFIT QUALIFIED VETERANS AND QUALIFIED VETERAN
15 BUSINESS ENTITIES THAT ARE LICENSED BY THE DEPARTMENT UNDER
16 SUBCHAPTER B (RELATING TO PENNSYLVANIA PREFERRED PROGRAM) BY
17 ALLOWING AND ENCOURAGING THE USE OF OTHER TRADEMARKS OR
18 DESCRIPTIVE LABELS, PACKAGING OR ADVERTISEMENT INFORMATION TO
19 INFORM CONSUMERS THAT AGRICULTURAL COMMODITIES WERE PRODUCED
20 BY VETERANS OF THE ARMED FORCES OF THE UNITED STATES.

21 (2) ENCOURAGE QUALIFIED VETERANS AND QUALIFIED VETERAN
22 BUSINESS ENTITIES TO AVAIL THEMSELVES OF MARKETING
23 OPPORTUNITIES FOR PENNSYLVANIA-PRODUCED AGRICULTURAL
24 COMMODITIES THROUGH LICENSURE UNDER SUBCHAPTER B AND
25 PARTNERSHIP WITH ORGANIZATIONS SUCH AS THE FARMER VETERAN
26 COALITION HOMEGROWN BY HEROES PROGRAM AND SIMILAR PROGRAMS
27 INTENDED TO ENCOURAGE VETERANS TO FARM OR TO OTHERWISE
28 BENEFIT FARMERS WHO ARE VETERANS.

29 § 4632. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "QUALIFIED VETERAN." A QUALIFIED ENTITY WHO:

4 (1) IS A VETERAN OF ONE OR MORE OF THE ARMED FORCES OF
5 THE UNITED STATES, INCLUDING THE UNITED STATES ARMY, THE
6 UNITED STATES NAVY, THE UNITED STATES MARINE CORPS, THE
7 UNITED STATES AIR FORCE OR THE UNITED STATES COAST GUARD; AND

8 (2) HAS RECEIVED AN HONORABLE DISCHARGE OR A GENERAL
9 DISCHARGE UNDER HONORABLE CONDITIONS.

10 "QUALIFIED VETERAN BUSINESS ENTITY." A QUALIFIED ENTITY TO
11 WHICH THE FOLLOWING APPLY:

12 (1) THE ENTITY IS A CORPORATION, PARTNERSHIP,
13 ASSOCIATION OR OTHER BUSINESS ORGANIZATION.

14 (2) QUALIFIED VETERANS MAKE UP 50% OR MORE OF THE
15 ENTITY'S OWNERSHIP AND A MINIMUM OF 50% OF THE ENTITY'S
16 MANAGEMENT CONTROL.

17 § 4633. QUALIFIED VETERANS AND QUALIFIED VETERAN BUSINESS
18 ENTITIES.

19 (A) ENCOURAGEMENT OF PARTICIPATION.--THE DEPARTMENT SHALL
20 PROMOTE PARTICIPATION UNDER THIS SUBCHAPTER BY QUALIFIED
21 VETERANS AND QUALIFIED VETERAN BUSINESS ENTITIES AND SHALL
22 CONDUCT OUTREACH AND EDUCATION EFFORTS TO ENCOURAGE AND
23 FACILITATE VETERAN PARTICIPATION.

24 (B) COORDINATION OF EFFORT.--THE DEPARTMENT SHALL COOPERATE
25 WITH MILITARY, GOVERNMENT OR PRIVATE SECTOR MARKETING EFFORTS
26 THAT IDENTIFY, EMPHASIZE AND ENCOURAGE THE PRODUCTION AND
27 MARKETING OF PENNSYLVANIA-PRODUCED AGRICULTURAL COMMODITIES BY
28 QUALIFIED VETERANS AND QUALIFIED VETERAN BUSINESS ENTITIES AND
29 MAY ALLOW THE USE OF THE PENNSYLVANIA PREFERRED® TRADEMARK IN A
30 COOPERATIVE EFFORT.

1 SECTION 8. TITLE 3 IS AMENDED BY ADDING A PART TO READ:

2 PART IX

3 GRANT PROGRAMS

4 Chapter

5 101. Very Small Meat Processor Federal Inspection

6 Reimbursement Grant Program

7 103. (Reserved)

8 CHAPTER 101

9 VERY SMALL MEAT PROCESSOR FEDERAL INSPECTION

10 REIMBURSEMENT GRANT PROGRAM

11 Sec.

12 10101. Short title of chapter.

13 10102. Legislative intent.

14 10103. Definitions.

15 10104. Grant program.

16 10105. Eligible costs.

17 10106. Final reimbursement.

18 § 10101. Short title of chapter.

19 This chapter shall be known and may be cited as the Very
20 Small Meat Processor Federal Inspection Reimbursement Grant
21 Program.

22 § 10102. Legislative intent.

23 It is the intent of the General Assembly that very small meat
24 processors be offered reimbursement grants to cover the costs
25 associated with meeting Federal inspection and certification
26 guidelines during the planning and start-up periods for these
27 operations.

28 § 10103. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Person." An individual, partnership, association, firm,
3 corporation or any other legal entity.

4 "Very small meat processor." A person subject to Federal
5 meat inspection that meets the United States Department of
6 Agriculture's definition of a "very small processor," having
7 fewer than 10 employees or annual sales of less than \$2,500,000.
8 § 10104. Grant program.

9 (a) Availability.--Grants under this chapter shall only be
10 offered in a fiscal year in which and to the extent that funding
11 is made available to the department. The following shall apply:

12 (1) In the event funding is exhausted or otherwise
13 unavailable, the department shall be under no obligation to
14 provide grants under this chapter.

15 (2) Grant money may be prorated or offered as a
16 percentage of actual costs, as determined by the department
17 and set forth in an order by the secretary, to spread
18 available money to a larger number of eligible applicants.
19 The secretary shall transmit notice of an order issued under
20 this chapter to the Legislative Reference Bureau for
21 publication in the Pennsylvania Bulletin.

22 (b) Reimbursement grants.--A grant under this chapter shall
23 be a reimbursement grant. The following shall apply:

24 (1) The amount of reimbursement shall be based on actual
25 eligible costs submitted by an approved applicant during a
26 fiscal year in which grants are offered.

27 (2) Grant reimbursement money shall only be available
28 for the eligible costs of obtaining a Federal certification
29 to allow the sale of meat by a very small meat processor.

30 (c) Eligibility.--A very small meat processor may apply to

1 receive reimbursement for the cost of meeting Federal inspection
2 guidelines during the planning and start-up periods for the
3 operations. The applicant must be in compliance with all
4 applicable Federal licensure, recordkeeping and slaughter
5 requirements.

6 (d) Application procedure.--An applicant who desires to
7 receive a very small meat processor Federal inspection
8 reimbursement grant shall submit a grant application on a form
9 provided by the department. The application shall contain the
10 following information demonstrating and attesting to:

11 (1) The applicant's name, the organization name, a
12 business address and a telephone number.

13 (2) A list of corporate officers.

14 (3) The applicant's eligibility, setting forth
15 information evidencing and attesting that the applicant meets
16 the definition of a "very small meat processor."

17 (4) A plan outlining the process being undertaken to
18 apply for and obtain Federal certification as a meat
19 processor.

20 (5) The estimated costs for which reimbursement is
21 sought.

22 (6) An attestation signed by the applicant stating the
23 applicant is in good standing with all Federal licensure,
24 recordkeeping and slaughter requirements, including the
25 Federal Hazard Analysis and Critical Control Points
26 standards.

27 § 10105. Eligible costs.

28 The following costs shall be eligible for reimbursement:

29 (1) Invoiced costs directly incurred for the initial
30 compliance inspection.

1 (2) A one-time reimbursement for the cost, not including
2 man hours, directly incurred in producing the required
3 Federal Hazard Analysis and Critical Control Points plan. If
4 a professional consultant is utilized to develop the Federal
5 Hazard Analysis and Critical Control Points plan, reasonable
6 costs may be reimbursed, as determined by the department.

7 (3) Up to 50% of the actual costs of a first-time
8 purchase of equipment necessary for compliance with the
9 Federal Hazard Analysis and Critical Control Points plan.

10 § 10106. Final reimbursement.

11 (a) Required submission.--Reimbursement shall be based on
12 the approved applicant's submission of the final costs of
13 obtaining the required Federal certification for which grant
14 money was sought. The submission shall include:

15 (1) The date of the inspection.

16 (2) The name of the Federal inspector or veterinarian in
17 charge of the inspection.

18 (3) A document signed by the Federal inspector or
19 veterinarian in charge evidencing that the approved
20 applicant's establishment passed the inspection.

21 (4) Documentation of actual costs for which
22 reimbursement is sought and payment of the costs.

23 (b) Distribution of final reimbursement.--Distribution of
24 grant money to the approved applicant will occur upon the
25 following:

26 (1) Submission and receipt of the information required
27 under subsection (a).

28 (2) Final review and approval for completeness of the
29 required submission and the eligible costs.

30 (3) A completed grant agreement between the department

1 and an approved applicant.

2 (c) Assignment of grant money.--Grant money may only be
3 distributed to the owner of the eligible establishment. The
4 department may not assign grant money to a lessee, operator or
5 person other than the owner of the eligible very small meat
6 processing establishment.

7 CHAPTER 103

8 (Reserved)

9 Section 2 9. This act shall take effect in 60 days.

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