
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2039 Session of
2019

INTRODUCED BY ORTITAY, OWLETT, RYAN, CALTAGIRONE, WHEELAND,
HERSHEY, CIRESI, B. MILLER, BERNSTINE, LAWRENCE AND GLEIM,
NOVEMBER 14, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 14, 2019

AN ACT

1 Amending the act of December 20, 2015 (P.L.497, No.90), entitled
2 "An act requiring notification in advertising," further
3 providing for definitions and for advertising notification;
4 and making a related repeal.

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

7 Section 1. The definitions of "broadcast advertising" and
8 "print advertising" in section 2 of the act of December 20, 2015
9 (P.L.497, No.90), known as the Taxpayer-Funded Advertising
10 Transparency Act, are amended and the section is amended by
11 adding a definition to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Broadcast advertising." [Includes] Advertising, regardless
17 of the medium, which includes audio communication components.
18 The term includes television advertising, radio advertising and

1 other audiovisual advertising.

2 * * *

3 "Print advertising." [Includes] Advertising, regardless of
4 the medium, which includes visual communication components. The
5 term includes print and electronic newspaper advertising, print
6 and electronic magazine advertising and billboard advertising.
7 The term does not include advertising in the classified section
8 of a newspaper.

9 "Qualified funding source." Money appropriated, executively
10 authorized or otherwise made available from the General Fund or
11 a special fund that is comprised of money collected by a tax
12 imposed by the Commonwealth or other revenues or receipts
13 received by the Commonwealth.

14 Section 2. Section 3 of the act is amended to read:

15 Section 3. Advertising notification.

16 (a) Statements required.--

17 (1) No expenditures for paid media advertising [shall]
18 may be made by a Commonwealth agency from [money
19 appropriated, executively authorized or otherwise made
20 available from the General Fund or a special fund that is
21 comprised of money collected by a tax imposed by the
22 Commonwealth or other revenues or receipts received by the
23 Commonwealth] a qualified funding source, unless the paid
24 media advertising includes a statement under subsection
25 (a.1).

26 (2) A Commonwealth agency which enters into a contract
27 or grant agreement with a person shall require that any paid
28 media advertising that is paid for, in whole or in part, by a
29 qualified funding source shall include a statement under
30 subsection (a.1).

1 (a.1) Statement content.--

2 (1) Paid media advertising under subsection (a) shall
3 include a statement that it is funded, in whole or in part,
4 by the fund and includes the following specific statement:
5 "Paid for with Pennsylvania taxpayer dollars."

6 (2) In the case of print advertising, the statement
7 shall be included so that it is easily seen and read.

8 (3) In the case of broadcast advertising, the statement
9 shall be included as an audio tagline so that it is easily
10 heard.

11 (b) Exceptions.--The provisions of subsection (a) shall not
12 apply:

13 (1) where the materials provided to the broadcast or
14 print media are broadcast or published free of charge; [or]

15 (2) to any expenditure for media advertising as
16 authorized under the act of August 26, 1971 (P.L.351, No.91),
17 known as the State Lottery Law[.]; or

18 (3) to any expenditure for media advertising authorized
19 for the Department of Community and Economic Development
20 under section 4 or 5 of the act of May 10, 1939 (P.L.111,
21 No.51), known as the Commerce Law.

22 Section 3. Repeals are as follows:

23 (1) The General Assembly declares that the repeal under
24 paragraph (2) is necessary to effectuate the amendment of
25 section 3(b) of the act.

26 (2) Section 1719-E(b) of the act of April 9, 1929
27 (P.L.343, No.176), known as The Fiscal Code, is repealed.

28 Section 4. This act shall take effect in 60 days.