

2021D02524PWK:JMT

No. \_\_\_\_\_

**LEGISLATIVE REFERENCE BUREAU**

AN ACT

Providing for the Made in PA Program, for duties and authority of Department of Community and Economic Development, for application process and for costs; establishing the Made in PA Fund; and providing for civil penalties, for injunctive relief and for rules and regulations.

**INTRODUCED** \_\_\_\_\_ **20** \_\_\_\_\_

By \_\_\_\_\_ **District**  
**NO.** \_\_\_\_\_

By \_\_\_\_\_ **District**  
**NO.** \_\_\_\_\_

By \_\_\_\_\_ **District**  
**NO.** \_\_\_\_\_

By \_\_\_\_\_ **District**  
**NO.** \_\_\_\_\_

See next page for additional co-sponsors.

Prior Session \_\_\_\_\_

**Referred to Committee on**

**Date** \_\_\_\_\_ **20** \_\_\_\_\_

**Reported** \_\_\_\_\_ **20** \_\_\_\_\_

**As Committed-Amended**

**Recommendation**

By Hon. \_\_\_\_\_



## AN ACT

1 Providing for the Made in PA Program, for duties and authority  
2 of Department of Community and Economic Development, for  
3 application process and for costs; establishing the Made in  
4 PA Fund; and providing for civil penalties, for injunctive  
5 relief and for rules and regulations.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Made in PA  
10 Act.

11 Section 2. Definitions.

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

15 "Department." The Department of Community and Economic  
16 Development of the Commonwealth.

17 "Fund." The Made in PA Fund established in section 8.

18 "Made in PA logo." One or more logos developed by the  
19 department that:

1 (1) consist of the phrase "Made in PA" or "Made in  
2 Pennsylvania"; and

3 (2) may include specific graphic designs or artwork as  
4 part of the program.

5 "Member." A qualified entity that is subject to a current  
6 Made in PA membership agreement with the department.

7 "Pennsylvania-made commodity." Tangible products that are  
8 produced, manufactured or assembled in this Commonwealth by a  
9 business and are transported or intended to be transported in  
10 commerce.

11 "Program." The Made in PA Program.

12 "Qualified entity." A business that:

13 (1) offers a Pennsylvania-made commodity that has been  
14 produced, manufactured or assembled by the business;

15 (2) has a physical business location within this  
16 Commonwealth; and

17 (3) is in good standing with the Department of Revenue  
18 and is current on all State taxes.

19 Section 3. Made in PA program.

20 (a) Established.--The Made in PA Program is established in  
21 the department. The department shall administer the program in  
22 accordance with this act.

23 (b) Made in PA logo trademark.--The department shall take  
24 the actions necessary and appropriate to create, register,  
25 maintain, license, promote and protect a Made in PA logo  
26 trademark. The trademarked logo may be used in connection with  
27 the sale, marketing and promotion of a member's Pennsylvania-  
28 made commodity under the member's membership agreement with the  
29 department.

30 Section 4. Member qualification.

1 To become a member, a business must:

2 (1) submit an application on a form provided by the  
3 department;

4 (2) receive certification from the department that it is  
5 a qualified entity;

6 (3) meet any other qualifications deemed necessary by  
7 the department; and

8 (4) enter into a membership agreement with the  
9 department.

10 Section 5. Duties and authority of department.

11 (a) Authority to enter into Made in PA membership  
12 agreements.--The department:

13 (1) Shall enter into a membership agreement with a  
14 business which qualifies for membership under section 4.

15 (2) May periodically review a membership agreement to  
16 determine if the terms are being met.

17 (3) May unilaterally terminate any membership agreement  
18 upon a determination that the membership agreement has been  
19 violated by the member.

20 (b) Cooperative activities.--

21 (1) The department may engage in cooperative activities  
22 to implement and advance the purposes of this act. The  
23 department and the Department of Agriculture shall coordinate  
24 the administration of the programs authorized by this act and  
25 3 Pa.C.S. Ch. 46 (relating to Pennsylvania Preferred®  
26 Trademark) and shall work jointly in the furtherance of the  
27 interests of manufacturing and agriculture in this  
28 Commonwealth.

29 (2) Nothing contained in this act may be construed to  
30 supersede or restrict the provisions of 3 Pa.C.S. Ch. 46 and

1 the duties and operations of the Department of Agriculture.

2 (c) Public information Internet website.--The following  
3 shall apply:

4 (1) The department shall compile a list of the qualified  
5 entities who become members under this act. The list shall be  
6 made available to the public on the department's publicly  
7 accessible Internet website and for other public distribution  
8 as the department approves.

9 (2) The list compiled under paragraph (1) shall be  
10 updated every three months and include:

11 (i) the Pennsylvania-made commodity offered;

12 (ii) contact information for the member that may  
13 include an Internet website link; and

14 (iii) one or more methods through which the  
15 Pennsylvania-made commodity may be purchased.

16 Section 6. Member agreements process.

17 A membership agreement under this act shall be effective for  
18 one year from the date upon which the agreement is executed and  
19 may be renewed. The agreement shall contain provisions allowing  
20 a member to terminate the membership agreement upon 60 days'  
21 advance written notice to the department.

22 Section 7. Costs and fees.

23 (a) Membership fee.--The department may charge an annual fee  
24 to businesses that are members in the program.

25 (b) Charge for costs.--The department may charge a member  
26 for costs incurred by the department in connection with the  
27 member's participation in an activity, trade show, exhibition or  
28 other promotional event conducted or facilitated by the  
29 department. The charge shall reasonably reflect the costs  
30 incurred by the department in facilitating the member's

1 participation and may include the costs as proportional shares  
2 of event registration fees, equipment rental fees, display area  
3 rental fees and related costs.

4 (c) Cost of promotional materials.--The department may  
5 charge a member for costs of Made in PA promotional materials  
6 provided by the department at the request of the member.

7 Section 8. Made in PA Fund.

8 (a) Establishment.--The Made in PA Fund is established in  
9 the State Treasury. The fund shall be an interest-bearing  
10 restricted revenue account. The following money shall be  
11 deposited into the fund:

12 (1) Money appropriated or given for the purpose  
13 established under this act by the Federal Government, the  
14 Commonwealth, any other government agency or any private or  
15 public entity or person.

16 (2) Funds derived from the costs and fees established  
17 under section 7.

18 (3) Funds derived from civil penalties collected by the  
19 department under section 9.

20 (4) Interest and earnings received from investment or  
21 deposit of money in the fund.

22 (b) Appropriation.--Money in the fund is hereby appropriated  
23 to the department on a continuing basis for the purpose of this  
24 act. The interest and earnings received from investment or  
25 deposit of the money in the fund shall be paid into the account  
26 for the purpose authorized by this section. Unexpended money and  
27 interest or earnings on the money in the fund may not be  
28 transferred or revert to the General Fund, but shall remain in  
29 the account to be used by the department for the purpose  
30 specified under this section.

1 (c) Use.--Money deposited in the fund shall be used to:

2 (1) promote Pennsylvania-made commodities;

3 (2) promote Made in PA as an identification of origin  
4 and quality;

5 (3) promote Pennsylvania-made commodities with respect  
6 to which the Made in PA logo is licensed;

7 (4) pay costs associated with monitoring the use of the  
8 Made in PA logo to prohibit the unlawful or unauthorized use  
9 of the Made in PA logo and enforcing rights of the Made in PA  
10 logo; and

11 (5) otherwise fund the department's costs in  
12 administering and enforcing this act.

13 (d) Program suspension.--The duty of the department to  
14 administer this act shall be suspended if and so long as the  
15 fund no longer contains sufficient revenues to administer the  
16 program.

17 Section 9. Civil penalties.

18 In addition to any other remedy available at law or in equity  
19 for a violation of a provision of this act or a membership  
20 agreement established under this act, the department may assess  
21 a civil penalty upon the person or entity responsible for the  
22 violation. The civil penalty assessed may not exceed \$10,000 and  
23 shall be payable to the Commonwealth and collectible in a manner  
24 provided under law for the collection of debt.

25 Section 10. Injunctive relief.

26 (a) Action in equity.--In addition to the other remedies  
27 provided under this act, the Attorney General, at the request of  
28 the department, may initiate, in Commonwealth Court or the court  
29 of common pleas of the county in which the defendant resides or  
30 has his place of business, an action in equity for an injunction



1 to restrain violations of this act or a membership agreement.

2 (b) Preliminary injunction.--

3 (1) In the proceeding, the court shall, upon motion of  
4 the Commonwealth, issue a preliminary injunction if the court  
5 finds the defendant is engaging in unlawful conduct under  
6 this act or is engaging in conduct that is causing immediate  
7 or irreparable harm to the public.

8 (2) The court may not require the Commonwealth to  
9 furnish bond or other security in connection with the  
10 proceedings.

11 (c) Other relief.--In addition to an injunction, the court,  
12 in the proceeding, may levy civil penalties as provided under  
13 section 9.

14 Section 11. Rules and regulations.

15 The department may promulgate rules and regulations necessary  
16 to promote the efficient, uniform and Statewide administration  
17 of this act. Every two years from the effective date of this  
18 section, the department shall promulgate, adopt and use  
19 guidelines to implement the provisions of this act. The  
20 guidelines must be published in the Pennsylvania Bulletin but  
21 shall not be subject to review under section 205 of the act of  
22 July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth  
23 Documents Law, sections 204(b) and 301(10) of the act of October  
24 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys  
25 Act, or the act of June 25, 1982 (P.L.633, No.181), known as the  
26 Regulatory Review Act.

27 Section 12. Reports.

28 One year after the effective date of this section and each  
29 year on that date, the department shall issue a report to the  
30 Governor and the General Assembly on the general operation of

1 the program, how the program has impacted this Commonwealth and  
2 other information the department deems necessary and  
3 appropriate.

4 Section 13. Effective date.

5 This act shall take effect July 1, 2021, or immediately,  
6 whichever is later.