
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 180 Session of
2017

INTRODUCED BY GOODMAN, BIZZARRO, BOBACK, R. BROWN, V. BROWN,
BURNS, CALTAGIRONE, D. COSTA, COX, DEAN, DEASY, DRISCOLL,
EVERETT, FARRY, FRANKEL, FREEMAN, GABLER, GAINNEY, GERGELY,
GILLEN, GREINER, HARPER, A. HARRIS, PHILLIPS-HILL, IRVIN,
JAMES, KIM, KINSEY, KNOWLES, KORTZ, LONGIETTI, MACKENZIE,
MARSHALL, MARSICO, MATZIE, McCARTER, McNEILL, D. MILLER,
MOUL, MULLERY, MURT, NEILSON, O'BRIEN, PEIFER, PETRARCA,
RAVENSTAHL, READSHAW, ROZZI, SAMUELSON, SCHLOSSBERG, SIMMONS,
SIMS, STAATS, STURLA, THOMAS, WARD, WARNER, WATSON,
YOUNGBLOOD AND ZIMMERMAN, MARCH 3, 2017

REFERRED TO COMMITTEE ON COMMERCE, MARCH 3, 2017

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

1 Development of the Commonwealth.

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

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

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

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

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

11 "Pennsylvania-made commodity." Tangible products that are
12 produced, manufactured or assembled in this Commonwealth by a
13 business and are transported or intended to be transported in
14 commerce.

15 "Program." The Made in PA Program.

16 "Qualified entity." A business that:

17 (1) offers a Pennsylvania-made commodity which has been
18 produced, manufactured or assembled by the business;

19 (2) has a physical business location within this
20 Commonwealth; and

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

23 Section 3. Made in PA program.

24 (a) Established.--The Made in PA Program is established in
25 the department. The department shall administer the program in
26 accordance with this act.

27 (b) Made in PA logo trademark.--The department shall take
28 the actions necessary and appropriate to create, register,
29 maintain, license, promote and protect a Made in PA logo
30 trademark. The trademarked logo may be used in connection with

1 the sale, marketing and promotion of a member's Pennsylvania-
2 made commodity under the member's membership agreement with the
3 department.

4 Section 4. Member qualification.

5 To become a member, a business must:

6 (1) submit an application on a form provided by the
7 department;

8 (2) receive certification from the department that it is
9 a qualified entity;

10 (3) meet any other qualifications deemed necessary by
11 the department; and

12 (4) enter into a membership agreement with the
13 department.

14 Section 5. Duties and authority of department.

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

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

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

21 (3) May unilaterally terminate any membership agreement
22 upon a determination that the membership agreement has been
23 violated by the member.

24 (b) Cooperative activities.--

25 (1) The department may engage in cooperative activities
26 to implement and advance the purposes of this act. The
27 department and the Department of Agriculture shall coordinate
28 the administration of the programs authorized by this act and

29 3 Pa.C.S. Ch. 46 (relating to Pennsylvania Preferred®
30 Trademark) and shall work jointly in the furtherance of the

1 interests of manufacturing and agriculture in this
2 Commonwealth.

3 (2) Nothing contained in this act shall be construed to
4 supersede or restrict the provisions of 3 Pa.C.S. Ch. 46 and
5 the duties and operations of the Department of Agriculture of
6 the Commonwealth.

7 (c) Public information Internet website.--The following
8 shall apply:

9 (1) The department shall compile a list of the qualified
10 entities who become members under this act. The list shall be
11 made available to the public on the department's publicly
12 accessible Internet website and for other public distribution
13 as the department approves.

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

- 16 (i) the Pennsylvania-made commodity offered;
17 (ii) contact information for the member that may
18 include an Internet website link; and
19 (iii) one or more methods through which the
20 Pennsylvania-made commodity may be purchased.

21 Section 6. Member agreements process.

22 A membership agreement under this act shall be effective for
23 one year from the date upon which the agreement is executed and
24 may be renewed. The agreement shall contain provisions allowing
25 a member to terminate the membership agreement upon 60 days'
26 advance written notice to the department.

27 Section 7. Costs and fees.

28 (a) Membership fee.--The department may charge an annual fee
29 to businesses which are members in the program.

30 (b) Charge for costs.--The department may charge a member

1 for costs incurred by the department in connection with the
2 member's participation in an activity, trade show, exhibition or
3 other promotional event conducted or facilitated by the
4 department. The charge shall reasonably reflect the costs
5 incurred by the department in facilitating the member's
6 participation and may include the costs as proportional shares
7 of event registration fees, equipment rental fees, display area
8 rental fees and related costs.

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

12 Section 8. Made in PA Fund.

13 (a) Establishment.--The Made in PA Fund is established in
14 the State Treasury. The fund shall be an interest-bearing
15 restricted revenue account. The following money shall be
16 deposited into the fund:

17 (1) Money appropriated or given for the purpose
18 established under this act by the Federal Government, the
19 Commonwealth, any other government agency or any private or
20 public entity or person.

21 (2) Funds derived from the costs and fees established
22 under section 7.

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

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

27 (b) Appropriation.--Money in the fund is hereby appropriated
28 to the department on a continuing basis for the purpose of this
29 act. The interest and earnings received from investment or
30 deposit of the money in the fund shall be paid into the account

1 for the purpose authorized by this section. Unexpended money and
2 interest or earnings on the money in the fund may not be
3 transferred or revert to the General Fund, but shall remain in
4 the account to be used by the department for the purpose
5 specified under this section.

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

7 (1) promote Pennsylvania-made commodities;

8 (2) promote Made in PA as an identification of origin
9 and quality;

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

12 (4) pay costs associated with monitoring the use of the
13 Made in PA logo to prohibit the unlawful or unauthorized use
14 of the Made in PA logo and enforcing rights of the Made in PA
15 logo; and

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

18 (d) Program suspension.--The duty of the department to
19 administer this act shall be suspended if and so long as the
20 fund no longer contains sufficient revenues to administer the
21 program.

22 Section 9. Civil penalties.

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

30 Section 10. Injunctive relief.

1 (a) Action in equity.--In addition to the other remedies
2 provided under this act, the Attorney General, at the request of
3 the department, may initiate, in Commonwealth Court or the court
4 of common pleas of the county in which the defendant resides or
5 has his place of business, an action in equity for an injunction
6 to restrain violations of this act or a membership agreement.

7 (b) Preliminary injunction.--

8 (1) In the proceeding, the court shall, upon motion of
9 the Commonwealth, issue a preliminary injunction if the court
10 finds the defendant is engaging in unlawful conduct under
11 this act or is engaging in conduct that is causing immediate
12 or irreparable harm to the public.

13 (2) The court may not require the Commonwealth to
14 furnish bond or other security in connection with the
15 proceedings.

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

19 Section 11. Rules and regulations.

20 The department may promulgate rules and regulations necessary
21 to promote the efficient, uniform and Statewide administration
22 of this act. Every two years from the effective date of this
23 section, the department shall promulgate, adopt and use
24 guidelines to implement the provisions of this act. The
25 guidelines must be published in the Pennsylvania Bulletin but
26 shall not be subject to review under section 205 of the act of
27 July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
28 Documents Law, sections 204(b) and 301(10) of the act of October
29 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
30 Act, or the act of June 25, 1982 (P.L.633, No.181), known as the

1 Regulatory Review Act.

2 Section 12. Reports.

3 One year after the effective date of this section and each
4 year on that date, the department shall issue a report to the
5 governor and the General Assembly on the general operation of
6 the program, how the program has impacted the Commonwealth and
7 other information the department deems necessary and
8 appropriate.

9 Section 13. Effective date.

10 This act shall take effect July 1, 2017, or immediately,
11 whichever is later.