
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 180 Session of
2019

INTRODUCED BY GOODMAN, BERNSTINE, CALTAGIRONE, CIRESI, CONKLIN,
A. DAVIS, DEASY, DRISCOLL, FREEMAN, HILL-EVANS, JAMES, KORTZ,
KRUEGER, LONGIETTI, MACKENZIE, MARKOSEK, McNEILL, D. MILLER,
MULLERY, MURT, NEILSON, OBERLANDER, OTTEN, RAVENSTAHL,
READSHAW, SCHLOSSBERG, SCHWEYER, SIMMONS, SOLOMON, STAATS,
WARREN, YOUNGBLOOD AND ZIMMERMAN, JANUARY 28, 2019

REFERRED TO COMMITTEE ON COMMERCE, JANUARY 28, 2019

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.

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

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

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

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

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

13 "Program." The Made in PA Program.

14 "Qualified entity." A business that:

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

17 (2) has a physical business location within this
18 Commonwealth; and

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

21 Section 3. Made in PA program.

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

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

1 department.

2 Section 4. Member qualification.

3 To become a member, a business must:

4 (1) submit an application on a form provided by the
5 department;

6 (2) receive certification from the department that it is
7 a qualified entity;

8 (3) meet any other qualifications deemed necessary by
9 the department; and

10 (4) enter into a membership agreement with the
11 department.

12 Section 5. Duties and authority of department.

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

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

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

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

22 (b) Cooperative activities.--

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

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

4 (c) Public information Internet website.--The following
5 shall apply:

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

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

13 (i) the Pennsylvania-made commodity offered;

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

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

18 Section 6. Member agreements process.

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

24 Section 7. Costs and fees.

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

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

1 department. The charge shall reasonably reflect the costs
2 incurred by the department in facilitating the member's
3 participation and may include the costs as proportional shares
4 of event registration fees, equipment rental fees, display area
5 rental fees and related costs.

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

9 Section 8. Made in PA Fund.

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

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

18 (2) Funds derived from the costs and fees established
19 under section 7.

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

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

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

1 the account to be used by the department for the purpose
2 specified under this section.

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

4 (1) promote Pennsylvania-made commodities;

5 (2) promote Made in PA as an identification of origin
6 and quality;

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

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

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

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

19 Section 9. Civil penalties.

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

27 Section 10. Injunctive relief.

28 (a) Action in equity.--In addition to the other remedies
29 provided under this act, the Attorney General, at the request of
30 the department, may initiate, in Commonwealth Court or the court

1 of common pleas of the county in which the defendant resides or
2 has his place of business, an action in equity for an injunction
3 to restrain violations of this act or a membership agreement.

4 (b) Preliminary injunction.--

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

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

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

16 Section 11. Rules and regulations.

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

29 Section 12. Reports.

30 One year after the effective date of this section and each

1 year on that date, the department shall issue a report to the
2 Governor and the General Assembly on the general operation of
3 the program, how the program has impacted this Commonwealth and
4 other information the department deems necessary and
5 appropriate.

6 Section 13. Effective date.

7 This act shall take effect July 1, 2019, or immediately,
8 whichever is later.