
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1930 Session of
2021

INTRODUCED BY WARREN, HILL-EVANS, GALLOWAY, DRISCOLL, SANCHEZ,
A. BROWN, KULIK, KENYATTA, FREEMAN, CIRESI, DELLOSO, CONKLIN,
MATZIE, HOHENSTEIN, A. DAVIS, SCHLOSSBERG, HOWARD, O'MARA,
NEILSON, LONGIETTI, KINSEY, PISCIOTTANO, SCHWEYER AND
HEFFLEY, SEPTEMBER 29, 2021

REFERRED TO COMMITTEE ON COMMERCE, SEPTEMBER 29, 2021

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

1 department that:

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

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

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

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

12 "Program." The Made in PA Program.

13 "Qualified entity." A business that:

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

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

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

20 Section 3. Made in PA program.

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

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

1 Section 4. Member qualification.

2 To become a member, a business must:

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

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

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

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

11 Section 5. Duties and authority of department.

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

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

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

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

21 (b) Cooperative activities.--

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

30 (2) Nothing contained in this act may be construed to

1 supersede or restrict the provisions of 3 Pa.C.S. Ch. 46 and
2 the duties and operations of the Department of Agriculture.

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

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

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

12 (i) the Pennsylvania-made commodity offered;

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

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

17 Section 6. Member agreements process.

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

23 Section 7. Costs and fees.

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

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

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

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

8 Section 8. Made in PA Fund.

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

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

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

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

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

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

1 specified under this section.

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

3 (1) promote Pennsylvania-made commodities;

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

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

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

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

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

18 Section 9. Civil penalties.

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

26 Section 10. Injunctive relief.

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

1 has his place of business, an action in equity for an injunction
2 to restrain violations of this act or a membership agreement.

3 (b) Preliminary injunction.--

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

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

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

15 Section 11. Rules and regulations.

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

28 Section 12. Reports.

29 One year after the effective date of this section and each
30 year on that date, the department shall issue a report to the

1 Governor and the General Assembly on the general operation of
2 the program, how the program has impacted this Commonwealth and
3 other information the department deems necessary and
4 appropriate.

5 Section 13. Effective date.

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