

SENATE BILL 806

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 7, relative to promoting certain goods and products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 7, is amended by adding the following language as a new section:

4-3-738.

(a) This section shall be known and may be cited as the "Made in Tennessee Act."

(b) As used in this section, unless the context requires otherwise:

(1) "Agricultural products" means horticultural, poultry, dairy, and farm products, livestock and livestock products, and harvested trees, nursery stock, and nursery products;

(2) "Commissioner" means the commissioner of economic and community development;

(3) "Department" means the department of economic and community development; and

(4) "Producer" means any person, firm, partnership, limited liability company, corporation, or other business entity engaged in the processing, fabrication, manufacture or other transformation of goods or products, other than food and agricultural products, under a trademark, trade name, service mark, or other identifying symbol or name, whether or not such organization sells such products at wholesale or retail.

(b) The department shall develop and adopt an official logo or seal for products and goods, except for food and agricultural products, that have been substantially processed, fabricated, manufactured or otherwise transformed in Tennessee.

(c) The commissioner may register the logo as a trademark and take appropriate steps to protect the logo from misuse or infringement.

(d) Permission may be granted to a producer for the use of the logo if, and to the extent that, the producer's products or goods have been processed, fabricated, manufactured or otherwise transformed in Tennessee in a manner sufficient to achieve added-value of fifty percent (50%) or more. By rule, the commissioner shall determine the terms, conditions, and requirements for such permission. Any application for such permission shall be submitted in the manner prescribed by the commissioner and shall demonstrate that the intent and requirements of this act will be met.

(e) Such logo or seal shall be placed on goods, packages, products, documents, promotional materials or business correspondence to certify that the goods or products were substantially processed, fabricated, manufactured or otherwise transformed in Tennessee.

(f) The commissioner may promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate the provisions of this section including, but not limited to, establishing an application fee.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2014, the public welfare requiring it.