
JEDE AMENDMENTS

SB 808 (Roth): Amended Senate April 7, 2021
Submitted by: Toni Symonds, JEDE Committee Staff

SUMMARY of Version 3:

1. Require the business to sign their self-certification of eligibility under penalty for perjury.
2. Tighten the rules related to donations by:
 - a. Prohibiting donations for the operation of the program be more than 20% of annual program budget.
 - b. Prohibiting donations for a specific event be more than 20% of the estimated event cost.
 - c. Requiring donations be reported to the Legislature within 20 days of receipt.

Senator Roth has committed to considering additional enforcement mechanisms which can serve to protect the California brand. The committee anticipates hearing back from the Author by August 1, 2021.

SECTION 1. Section 12098.10 of the Government Code is amended to read:

12098.10. (a) The Made in California Program, a public and private collaboration, is hereby created within the Governor's Office of Business and Economic Development. The purposes of the program are to encourage consumer product awareness and to foster purchases of high-quality products made in this state.

(b) (1) The office shall develop a program that permits a company to represent that a product is made in this state. To be eligible under the program, a company shall establish that the product is substantially made by an individual located in the state.

(2) For purposes of this section, "substantially made" means completing an act that adds at least 51 percent of a final product's wholesale value by manufacture, assembly, fabrication, or production to create a final, recognizable product. "Substantially made" does not include the act of packaging a product.

(c) The program shall not apply to those agricultural products subject to the Buy California Program described in Section 58750 of the Food and Agricultural Code.

(d) In accordance with the provisions of Chapter 1 (commencing with Section 58601) of Part 2 of Division 21 of the Food and Agricultural Code, the office may issue and make effective a marketing agreement, including, but not limited to, issuance of a Made in California label, and be advised by those California businesses willing to participate in the program on a voluntary basis via funding or in-kind contributions in a manner defined under the agreement.

(e) (1) As part of the Made in California Program, the office shall require each company to register with the office for use of the Made in California label.

(2) The company filing the registration shall submit a certification, signed under penalty of perjury, at least once every three years that the product is made in accordance with this section.

(3) The office may require a fee to accompany the registration. The fee shall be determined by the office, and shall not exceed the reasonable costs to the office in providing the services for which it is charged, including, but not limited to, the costs to implement the marketing program. Proceeds from the fee shall be deposited in the Made in California Fund established in subdivision (h).

(f) (1) The office may accept monetary donations or other donations from businesses, nonprofit organizations, or individuals for the purpose of implementing the Made in California Program.

(2) These donations shall be deposited in the Made in California Fund established in subdivision (h).

(3) If moneys are donated for the general use of the program, no single donor shall donate more than 20% of the amount of the program's annual budget. If the moneys are donated for a specific project, no single donor shall donate more than 20% of the amount of the project cost.

(g) (1) Notwithstanding Section 10231.5, the office shall report to the Legislature on January 1, 2015, and each successive January 1, regarding its expenditures, progress, and ongoing priorities with this program.

(2) The ~~plan~~ report submitted to the Legislature pursuant to paragraph (1) shall be submitted pursuant to Section 9795.

(h) (1) The Made in California Fund is hereby created as a fund within the State Treasury.

(2) Notwithstanding Section 13340, funds deposited and maintained in the Made in California Fund that were donated pursuant to subdivision (f) are continuously appropriated, without regard to fiscal years, to the director, for the purposes of implementing the Made in California Program. Any other funds deposited and maintained in the Made in California Fund are available, subject to appropriation by the Legislature, for purposes of implementing the program.

(3) The office shall provide notice of the receipt of funds pursuant to subdivisions (f) within 20 calendar days of receipt. The notice shall be provided in writing to the Assembly Committee on Jobs, Economic Development, and the Economy, the Senate Committee of Business Professions and Economic Development, and the Joint Budget Committee. The notice shall include the amount of money donated, the name and contact information of the source of donated money, and a general description of any conditions or requirements associated with the donation.