

HOUSE BILL 305

M4, A1

0lr1212

By: **Delegates Lisanti and Kerr**

Introduced and read first time: January 20, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Agriculture – Maryland Made Promotion Fund**

3 FOR the purpose of establishing the Maryland Made Promotion Fund as a special,
4 nonlapsing fund; specifying the purpose of the Fund; requiring the Department of
5 Agriculture to administer the Fund; requiring the State Treasurer to hold the Fund
6 and the Comptroller to account for the Fund; specifying the contents of the Fund;
7 specifying the purposes for which the Fund may be used; providing for the
8 investment of money in and expenditures from the Fund; requiring interest earnings
9 of the Fund to be credited to the Fund; authorizing the Department to establish an
10 application process and charge a fee for the use of a certain logo; requiring a certain
11 fee to be paid into the Fund; exempting the Fund from a certain provision of law
12 requiring interest earnings on State money to accrue to the General Fund of the
13 State; defining certain terms; and generally relating to the Maryland Made
14 Promotion Fund.

15 BY adding to

16 Article – Agriculture

17 Section 2–2001 and 2–2002 to be under the new subtitle “Subtitle 20. Maryland
18 Made Promotion Fund”

19 Annotated Code of Maryland

20 (2016 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – State Finance and Procurement

23 Section 6–226(a)(2)(i)

24 Annotated Code of Maryland

25 (2015 Replacement Volume and 2019 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – State Finance and Procurement

28 Section 6–226(a)(2)(ii) 121. and 122.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2019 Supplement)

3 BY adding to
4 Article – State Finance and Procurement
5 Section 6–226(a)(2)(ii)123.
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2019 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That the Laws of Maryland read as follows:

10 **Article – Agriculture**

11 **SUBTITLE 20. MARYLAND MADE PROMOTION FUND.**

12 **2–2001.**

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (2) “ALCOHOLIC BEVERAGE” HAS THE MEANING STATED IN § 1–101
16 OF THE ALCOHOLIC BEVERAGES ARTICLE.

17 (3) “FUND” MEANS THE MARYLAND MADE PROMOTION FUND.

18 (B) THERE IS A MARYLAND MADE PROMOTION FUND.

19 (C) THE PURPOSE OF THE FUND IS TO DEVELOP AND PROMOTE THE USE OF
20 A “MARYLAND MADE” LOGO TO PROMOTE ALCOHOLIC BEVERAGES THAT ARE
21 PRODUCED USING INGREDIENTS GROWN IN THE STATE.

22 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

23 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
24 SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
26 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

27 (F) THE FUND CONSISTS OF:

28 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 2–2002 OF THIS
29 SUBTITLE;

1 (2) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

2 (3) **INTEREST EARNINGS OF THE FUND; AND**

3 (4) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
4 **THE BENEFIT OF THE FUND.**

5 **(G) THE FUND MAY BE USED ONLY FOR THE FOLLOWING PURPOSES:**

6 (1) **THE DEVELOPMENT OF A “MARYLAND MADE” LOGO TO BE USED**
7 **BY MANUFACTURERS, WHOLESALERS, AND RETAILERS OF ALCOHOLIC BEVERAGES**
8 **TO INDICATE THAT THE MANUFACTURER OF AN ALCOHOLIC BEVERAGE ENSURES**
9 **THAT AT LEAST 51% OF THE INGREDIENTS USED IN THE ANNUAL PRODUCTION OF**
10 **THE ALCOHOLIC BEVERAGE ARE GROWN IN THE STATE;**

11 (2) **PUBLIC EDUCATION AND OUTREACH EFFORTS TO PROMOTE THE**
12 **USE OF THE “MARYLAND MADE” LOGO;**

13 (3) **PROMOTIONS, IN COORDINATION WITH THE MARYLAND OFFICE**
14 **OF TOURISM, OF ALCOHOLIC BEVERAGES THAT USE THE “MARYLAND MADE” LOGO;**
15 **AND**

16 (4) **REASONABLE COSTS OF ADMINISTERING THE FUND.**

17 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
18 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

19 (2) **ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
20 **THE FUND.**

21 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
22 **WITH THE STATE BUDGET.**

23 **2-2002.**

24 **(A) THE DEPARTMENT MAY:**

25 (1) **ESTABLISH AN APPLICATION PROCESS FOR THE USE OF A**
26 **“MARYLAND MADE” LOGO DEVELOPED UNDER § 2-2001 OF THIS SUBTITLE; AND**

27 (2) **CHARGE A REASONABLE FEE FOR THE USE OF A “MARYLAND**
28 **MADE” LOGO.**

1 (B) ANY FEE COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE
2 FUND.

3 Article – State Finance and Procurement

4 6–226.

5 (a) (2) (i) Notwithstanding any other provision of law, and unless
6 inconsistent with a federal law, grant agreement, or other federal requirement or with the
7 terms of a gift or settlement agreement, net interest on all State money allocated by the
8 State Treasurer under this section to special funds or accounts, and otherwise entitled to
9 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
10 Fund of the State.

11 (ii) The provisions of subparagraph (i) of this paragraph do not apply
12 to the following funds:

13 121. the Markell Hendricks Youth Crime Prevention and
14 Diversion Parole Fund; [and]

15 122. the Federal Government Shutdown Employee Assistance
16 Loan Fund; AND

17 123. THE MARYLAND MADE PROMOTION FUND.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2020.