

SENATE BILL 367

By Beavers

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 as a new section:

4-3-737.

(a) 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 association engaged in the processing, fabrication, or manufacture 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 are processed, fabricated, manufactured, or produced in this state.

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

(d) Permission may be granted to a business or producer for the use of the logo if the business or producer's final product has been processed, fabricated, manufactured, or produced in this state. 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 requirements of the law will be met.

(e) Such logo or seal shall be placed on goods, packages, products, documents, promotional materials, and business correspondence to certify that the goods or products are processed, fabricated, manufactured, or produced in this state.

(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, 2012, the public welfare requiring it.