

11100306D

HOUSE BILL NO. 1438

Offered January 12, 2011

Prefiled November 9, 2010

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 2.4, consisting of a section numbered 59.1-21.29, relating to goods produced or manufactured within Virginia.

Patrons—Cole, Athey, Bell, Richard P., Bell, Robert B., Cline, Cox, J.A., Crockett-Stark, Greason, Landes, Lingamfelter, Robinson, Tata and Wilt; Senator: Vogel

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 2.4, consisting of a section numbered 59.1-21.29, as follows:

CHAPTER 2.4.

VIRGINIA GOODS RETAINED IN-STATE.

§ 59.1-21.29. Certain Virginia goods not subject to commerce clause.

A. As used in this chapter, unless the context requires a different meaning:

"Boundaries of the Commonwealth" means the territory and boundaries of the Commonwealth as set forth in Chapter 3.1 (§ 1-300) of Title 1.

"Goods" shall have the same meaning as set forth in § 59.1-198.

"Produced" includes grown, mined, extracted, or created.

B. All goods produced or manufactured, whether commercially or privately, within the boundaries of the Commonwealth that are held, maintained, or retained within the boundaries of the Commonwealth shall not be deemed to have traveled in interstate commerce and shall not be subject to federal law, federal regulation, or the authority of the Congress of the United States under its constitutional power to regulate commerce. This chapter shall apply to goods that are manufactured within the Commonwealth from basic materials or parts. The authority of the Congress of the United States to regulate interstate commerce in basic materials or parts shall not include the authority to regulate goods manufactured within the Commonwealth from such materials or parts.

C. This chapter shall not apply to (i) any good manufactured within the Commonwealth unless the words "Made in Virginia" are clearly stamped on an integral part or (ii) any good produced within the Commonwealth unless the words "Product of Virginia" are clearly stamped on the container or packaging of the good.

D. This chapter shall not apply to any goods (i) ordered, procured, or purchased by the United States government or (ii) ordered, procured, or purchased by any contractor pursuant to any agreement with the United States government.

E. This chapter shall apply to goods held, maintained, or retained within the boundaries of the Commonwealth that have been produced or manufactured within the boundaries of the Commonwealth on or after July 1, 2011.