

FINAL REGULATION TEXT

Title 10. Investment
Chapter 13. Governor's Office of Business and Economic Development
Article 2. Made in California Program

Amend Article 2. Made in California Program, Sections 8100, 8110, 8120, 8130, 8140, and 8150.

Adopt Article 2. Made in California Program, Section 8160.

§ 8100. Definitions.

For purposes of this article, the following definitions shall apply:

(a) "Applicant" means any sole proprietor, corporation, partnership, 501(c) non-profit, or any other business entity type applying for the ~~CA Made license~~ Made in California Label that is legally authorized to do business in California.

(b) "Application" means the request by an ~~e~~Applicant for the ~~CA Made~~ Made in California license License ~~by submitting the information as specified in the application form.~~

(c) "Application ~~form~~ Form" means the form designated by GO-Biz, which shall contain the information requested in Section 8110(c) ~~through (e)~~ (d) ~~and shall be available on the website.~~

~~(d) "CA Made label" means an authorized seal designated by GO-Biz that represents that the product is certified as CA Made pursuant to the program.~~

(d) "Application Portal" means a GO-Biz-designated application portal.

~~(e) "Certification" or "certified" means a determination made by a third-party certifier that the product is in compliance with the program.~~

(e) "Attestation" means a self-certification statement signed under penalty of perjury and submitted as part of the Application that attests that the Product(s) entered in the Product Database and/or utilizing the Made in California Label complies with the Program.

~~(f) "Certification form" means the form designated by GO-Biz on the website completed by a third party certifier stating that the product(s) meet(s) the requirements of the program.~~

(f) "Brand Guidelines" means the general standards issued by GO-Biz governing licensees' authorized use of the Made in California Label, as specified in the "Made in California Brand Guidelines 2026", which is hereby incorporated by reference.

(g) "California Value-Added Share" means the ratio of Wholesale Value of a product divided by the Total Product Cost of that product.

(~~g~~h) "Certification ~~term~~ Term" means ~~the three~~ two (2) years ~~term~~ beginning on the date of execution of the ~~licensing~~ Licensing ~~agreement~~ Agreement.

(i) "Contract Manufacturer" means a company hired or contracted to produce goods or components, or package products on behalf of another business. These companies typically manage the transformation of raw materials or ingredients supplied by the client into finished products, often handling the entire production and packaging process to prepare them for sale.

(~~h~~j) "Direct ~~labor cost~~ Labor Cost" means ~~salaries~~ Salary paid to workers who are directly involved in the production of goods and whose efforts can be directly traced to the production of specific products, as well as supervisors or managers of those employees or services. ~~Direct labor costs are assignable to a specific product, cost center, or work center.~~ Direct Labor Cost is assigned to a specific product, cost center, or work center.

(~~i~~k) "Direct ~~material cost~~ Material Cost" means the cost of ~~all items such as~~ raw materials, standard and specialized parts, ~~and sub-assemblies~~ and components required to assemble, fabricate or manufacture a complete product and which can be easily identified with the complete product. Cost of packaging cannot be included.

(j) "Familiar" means ~~has sufficient knowledge about the supply chain of the specified product(s) to verify the source of the product components in order to perform a third-party regulatory audit as set forth in Government Code section 12098.10 et seq.~~

(k) "Fee" or "Fees" means the ~~annual CA-Made~~ Made in California fee charged to ~~licensees~~ Licensees by GO-Biz every two (2) years.

(m) "Fixed Overhead Cost" means expenses not directly related to active conversion of materials to a finished product. Allowable fixed overhead costs include, but are not limited to: rent, insurance premiums, and depreciation. Fixed overhead costs do not include Research and Development costs or packaging costs.

(h) "GO-Biz" means Governor's Office of Business and Economic Development.

(m) "~~Indirect labor cost~~ Labor Cost" means ~~salaries~~ Salary paid to workers to support the production process, but ~~who are~~ which is not directly involved in the active conversion of materials into finished products.

(n) "~~Indirect~~ Material Cost" means the cost of materials used in the production process, but which cannot be linked to a specific product or job.

(o) "Ineligibility Conditions" means the following:

(1) Businesses that do not have their Product(s) manufactured, fabricated, produced, or assembled at a facility located in California;

(2) Businesses primarily engaged in political or lobbying activities, regardless of whether the entity is registered as a 501(c)(3), 501(c)(6), or 501(c)(19);

(3) Businesses engaged in any activity that is unlawful under federal, state, or local law;

(4) Businesses that restrict patronage for any reason other than capacity;

(5) Businesses where the owner has, within the prior three years:

(A) Been convicted of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local public transaction or contract;

(B) Had a civil judgment rendered against the owner for fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local public transaction or contract;

(C) Commenced any form of parole or probation, including probation before judgment, for any offense described in subparagraph (A), (B), (D), or (E);

(D) Been convicted of or had a civil judgment rendered against the owner for a violation of federal or state antitrust statutes or procurement statutes; or

(E) Been convicted of or had a civil judgment rendered against the owner for commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(6) Businesses where the owner is presently indicted for or otherwise criminally or civilly charged by a federal, state, or local government entity, with commission of any of the offenses enumerated in subparagraphs (a)(5)(A), (B), (D), or (E); and

(7) Other businesses determined to be ineligible by GO-Biz for reasons of incomplete, confusing, or misleading information submitted through the Application Form.

(p) "License" means the right to use the ~~CA-Made~~ Made in California ~~label~~ Label as permitted by GO-Biz in the ~~Licensing~~ Agreement.

~~(p)~~ “Licensee” means an applicant Applicant who has entered into a licensing Licensing agreement Agreement with GO-Biz for the use of the CA-Made Made in California label Label.

~~(q)~~ “Licensing agreement Agreement” means the written agreement between a licensee Licensee and GO-Biz describing the terms and conditions of using the License.

~~(r)~~ “Product” means a final, recognizable good or service that has been created by a value-added process.

~~(s)~~ “Program” means the CA Made program created by Government Code section 12098.10 et seq.

~~(t)~~ “Research and development” means work directed toward the innovation, introduction, and improvement of products and processes.

~~(u)~~ “Made in California Fund” means a separate account created and maintained for deposit of fees associated with the Program, as described in Government Code section 12098.10(h).

~~(u)~~ “Salary” means the amount of monetary compensation that is paid to a worker in return for work performed but does not include tips, overtime, bonuses, benefits, or other compensation of any kind.

~~(v)~~ “Made in California Label” means an authorized seal designated by GO-Biz and representing that the Product is certified to meet the minimum requirements pursuant to the Program.

~~(v)~~ “Supply chain” means a system of organizations, people, activities, information, and resources involved in moving the product from supplier to customer.

~~(w)~~ “Product” or “Products” mean a final, recognizable good that has been created by a value-added process. It shall also refer to a line or related group of products.

~~(w)~~ “Third party certifier” means a qualified third party as defined by the program who is legally and financially separate from the applicant, familiar with the product(s) being certified, and is legally authorized to do business in California.

~~(x)~~ “Product Database” means a database of all Licensees and all Products authorized to use the Made in California Label.

~~(x) "Website" means GO-Biz's designated website.~~

~~(y) "Wholesale value" includes the direct material cost, direct labor cost, and overhead (indirect material and indirect labor costs), as described in Section 8120(c)(1).~~

~~(y) "Program" means the Made in California program created by Government Code section 12098.10 et seq.~~

~~(z) "Research and Development" means work directed toward the innovation, introduction, and improvement of products and processes.~~

~~(aa) "Salary" means the amount of monetary compensation that is paid to a worker in return for work performed but does not include tips, overtime, bonuses, benefits, or other compensation of any kind.~~

~~(bb) "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.~~

~~(cc) "Total Product Cost" is calculated by the summation of the following: (1) the Wholesale Value; (2) Direct and Indirect Material Cost generated from outside California; and (3) Direct and Indirect Labor Cost generated from outside California.~~

~~(dd) "Website" means GO-Biz's designated website.~~

~~(ee) "Wholesale Value" is calculated by the summation of the following: (1) the Applicant's Direct Labor Cost generated by a cost or work center located in California; (2) the Applicant's Direct Material Cost generated by a cost or work center located in California; and (3) the Applicant's Fixed Overhead Cost generated by a cost or work center located in California.~~

Note: Authority cited: Sections 12098.10 and 12098.11, Government Code.
Reference: Sections 12098.10 and 12098.11, Government Code.

§ 8110. Application Process for ~~CA Made~~ the Made in California Label.

~~(a) Applications shall be accepted by GO Biz on a rolling basis. GO Biz shall review, finalize, and execute licensing agreements at the beginning of each quarter.~~

(a) GO-Biz is the program administrator of the Made in California Program.

(b) Applications shall be submitted online in the Application Portal. Applicants shall create an account and establish a login and password as instructed on the Website.

~~(c) Applicants shall create an account profile and establish a login and password as designated on the website.~~

~~(c)~~ Applicants shall be asked to provide the following information on the application Application Form ~~Form~~ about the Applicant:

(1) Contact information (legal entity business name, fictitious business name, contact name and title, primary business address in California, contact phone number, and email address, and website);

(2) Company logo and a description of the company;

(3) Retail store address (if applicable);

(4) Manufacturing industry;

~~(25)~~ Type of business entity (sole proprietorship, corporation, limited liability company, limited partnership, general partnerships, or limited liability partnership, 501(c)(3) non-profit, or 501(c)(4) non-profit);

~~(36)~~ Whether the applicant is legally authorized to do business in California as verified by uploading documents such as filing with the Secretary of State or with the local municipality, as applicable, including but not limited to, Articles of Incorporation, Certificate of Organization, or Fictitious Name of Registration;

(7) Whether the Applicant is certified in California by the Department of General Services or other similar state agency as a Small Business (SB), Microbusiness (Micro), Small Business for the purpose of Public Works (SB-PW), or a Disabled Veteran Business Enterprise (DVBE);

(8) Applicant's Data Universal Numbering System (DUNS) number and all applicable North American Industry Classification System (NAICS) codes; and

(9) The number of employees employed by the Applicant.

~~(4) Product(s) for which the applicant is seeking the CA Made label, categories the product(s) fall(s) under, and a brief description of the product(s);~~

~~(5) Uploaded photo(s) of the product(s);~~

~~(6) Uploaded certification form signed by a third-party certifier for the product(s) described;~~

~~(7) Any other information on their product(s) for marketing purposes; and,~~

~~(8) Business biography for website listing.~~

~~(e) Applicant authorizes GO-Biz to use product information, product photos, and business biographies on the website and in any other CA Made marketing materials developed or approved by GO-Biz (i.e., CA Grown, Visit California, etc.).~~

(d) Applicant will be asked if they manufacture their own Products or utilize a Contract Manufacturer.

~~(f) Applicant gives GO-Biz permission to alter the style and format of marketing materials. GO-Biz shall not alter the content of the marketing materials without written permission from the applicant.~~

~~(g) Applicant shall represent and warrant that all statements in the application are true and complete to the best of the applicant's Applicant's knowledge. GO-Biz may ask an applicant Applicant to provide supplemental information that substantiates the information provided in the application Application.~~

(f) Applicant may revise or withdraw an Application at any time on the Website prior to submitting the Application.

Note: Authority cited: Sections 12098.10 and 12098.11, Government Code.
Reference: Sections 12098.10 and 12098.11, Government Code.

§ 8120. Certification Process for ~~CA Made~~ the Made in California Label.

~~(a) Applicants shall provide the CA Made certification form to a third party certifier.~~

~~(b) Third party certifier shall determine whether the product(s) satisfies the definitions of "Made in U.S.A." and "substantially made" in California as set forth in the program. The determination of whether the product(s) is "substantially made" in California may be made by calculating the value added share of the product pursuant to subdivision (c).~~

~~(c) The California value added share of the product(s) shall be calculated based on the California wholesale value of the product(s) and total product cost as described below.~~

~~(1) The California wholesale value shall be determined by summation of the following costs:~~

~~(A) California direct and indirect material costs; and,~~

~~(B) California direct and indirect labor costs.~~

~~(2) The total product cost shall be determined by summation of:~~

~~(A) California wholesale value, as described in Section 8120(c)(1);~~

~~(B) Direct and indirect material cost from outside California; and,~~

~~(C) Direct and indirect labor cost from outside California.~~

~~(3) The California value added share is equal to the California wholesale value divided by the total product cost.~~

~~(4) The California value added share may not include research and development.~~

~~(d) Third party certifiers may determine whether a product(s) satisfies the program's requirements by reviewing the following materials from the applicant: approved budgets, invoices, and any other documents, computerized data, and other writings, whether handwritten, typewritten, printed, copied, or electronically stored to verify the origin of materials in California or the United States. This list is not a prescriptive or exhaustive list of the materials a third party certifier must rely upon.~~

~~(e) Third party certifiers shall be asked to provide all of the following information as directed on the certification form:~~

~~(1) Applicant information (legal entity business name, fictitious business name, owner name, primary business address in California, phone number, and email);~~

~~(2) Third party certifier information (legal entity business name, fictitious business name, address, phone number, and email);~~

~~(3) Acknowledgement, in the form of a "yes" or "no" response, from third party certifier that they meet the program's requirements for third party certifiers and a brief description of how those requirements have been met;~~

~~(4) Name of product(s) to be certified;~~

~~(5) Brief description of product(s) for which the applicant is seeking to obtain a CA Made license;~~

~~(6) Description of the documents reviewed to perform the certification;~~

~~(7) Acknowledgement, in the form of a "yes" or "no" response, that the product(s) listed in Section 8120(e)(4) meet(s) the program's requirements for certification; and,~~

~~(8) Dated third-party certifier signature verifying that all content on the certification form is true and correct to the best of his/her knowledge based on the information provided by the applicant.~~

~~(f) The applicant shall submit the certification form to GO-Biz electronically by uploading a scanned copy of the signed certification form to his/her application on the CA Made website.~~

(a) To be approved for a Licensing Agreement, the Applicant must make an Attestation that final assembly, manufacturing, fabrication, or production of each individual Product that will be entered into the Product Database and those utilizing the Made in California Label takes place in a manufacturing facility located in California and satisfies the definition of "Substantially Made" in California.

(b) For a Product to be "Substantially Made" in California, the California Value-Added Share must be at least 51 percent. The Applicant shall calculate the California Value-Added Share for each Product they propose for publication in the Product Database using the method described in these regulations. The Applicant shall keep records supporting the attestation required under subsection (a), which must be provided to GO-Biz upon request.

Note: Authority cited: Sections 12098.10 and 12098.11, Government Code.
Reference: Sections 12098.10 and 12098.11, Government Code.

§ 8130. Application Review, Rejection, Approval, and Renewal Processes.

~~(a) Upon receipt of an a submitted application Application, GO-Biz shall: GO-Biz shall review the Application to verify that the Applicant has submitted the Application and signed attestation required under Setion 8120(a) and none of the Ineligibility Conditions are met. GO-Biz shall:~~

~~(1) Review the application for completeness; and,~~

~~(2) Notify applicant of any deficiencies if appropriate; and,~~

~~(3) Reject Applicant if any Ineligibility Conditions are met.~~

~~(b) If an applicant intends to revise a portion of a previously submitted application form, the applicant shall either revise his/her application or withdraw the application and submit a new application. An applicant may revise or withdraw an application form at any time on the website prior to execution of a licensing agreement for the product(s).~~

~~(c) If an application is rejected, GO-Biz shall inform the applicant of the rejection by email and the applicant's right to reapply for the license. There is no appeals process.~~

(b) If an Application is rejected, Applicant will receive an automatic email notification of the rejection. The email will provide instruction for reapplying for a License in the future should something change which would affect the Applicant's eligibility. There will be no appeals process to eligibility decisions. An applicant may reapply at any time if eligibility criteria are subsequently met.

~~(d) If the application is approved, GO-Biz shall:~~

~~(1) Prepare a licensing agreement between GO-Biz and the applicant, which shall set forth the rights and limitations of use of the CA Made label.~~

~~(2) Impose the fee to the licensee based on Section 8150(c).~~

~~(e) GO-Biz will fully execute the licensing agreement once GO-Biz receives payment of the fee and the licensee executes the licensing agreement. Fees are not refundable at any time.~~

(c) If an Application is approved:

(1) Applicant will be directed to sign a Licensing Agreement between GO-Biz and the Applicant, which shall set forth the rights and limitations of use of the Made in California Label.

(2) Applicant will be directed to pay a Fee for the Certification Term of the Licensing Agreement.

(3) A fully executed Licensing Agreement will be issued upon receipt of payment of the Fee. Fees are nonrefundable.

(4) Applicant will be permitted to use the Made in California Label and enter qualified Products in the Product Database.

~~(d) Any changes to the information submitted described in Section 8110 (c) or (d) after the execution of a licensing agreement Licensing Agreement must be reported by the licensee Licensee to GO-Biz within thirty (30) business days by updating their account profile on the ~~website~~ Website. GO-Biz reserves the right to approve any changes to the account profile before they are published on the ~~website~~ Website. Changes that are inconsistent with the executed ~~licensing agreement~~ Licensing Agreement will result in termination of the ~~licensing agreement~~ Licensing Agreement and will require a new application.~~

~~(ge)~~ Once the ~~certification term~~ Certification Term ends, the ~~licensing agreement~~ Licensing Agreement expires and the ~~license~~ License becomes invalid.

~~(hf)~~ An ~~applicant~~ Applicant may renew a ~~license~~ License by submitting a ~~new~~ an updated application Application. At renewal, the applicable fee shall be recalculated based on any changes to the number of employees employed by the Applicant that would affect the fee tier. Upon payment of the recalculated fee, GO-Biz shall execute a new Licensing Agreement.

Note: Authority cited: Sections 12098.10 and 12098.11, Government Code.
Reference: Sections 12098.10 and 12098.11, Government Code.

§ 8140. ~~CA-Made Licensing Agreement and CA-Made~~ Made in California Label Usage.

~~(a)~~ The ~~website and the licensing agreement will~~ Licensing Agreement, shall identify the ~~specific conditions governing a licensee's use of the CA-Made label~~ Made in California Label ~~that will be provided to licensees by GO-Biz, as~~ provided in subsections (b) through (e).

~~(b)~~ The ~~CA-Made label~~ Made in California Label may be used by ~~licensees~~ Licensees for ~~certified products~~ Products pursuant to the rights and limitations as described in the ~~licensing agreement~~ Licensing Agreement, which shall include, but not be limited to the Brand Guidelines, use on the Product, Product containers or packaging, in point-of-purchase or other displays, and in advertising.:

~~(1) Use on the product, product containers, in point of purchase or other displays, and in advertising;~~

~~(c)~~ The Made in California Label shall not be:

~~(1) Incorporated into any business, company or Product logo or label; and,~~

~~(2) Used as its own mark or the exclusive representation of the Product.~~

~~(2) Not be incorporated into any business, company or product logo or label; and,~~

~~(3) Not be its own mark or the exclusive representation of the product.~~

(ed) If a licensee's Licensee's particular use of the CA-Made-label Made in California Label is inconsistent with the licensing agreement Licensing Agreement or Brand Guidelines, GO-Biz may terminate the licensing agreement Licensing Agreement or require the licensee Licensee to discontinue that particular use of the CA-Made-label Made in California Label.

(e) Once a Licensing Agreement is terminated or expires for any reason, the Licensee will be notified by GO-Biz by email and must respond in writing within thirty (30) calendar days of the email timestamp explaining how and when the Made in California Label will be removed from all packaging and promotional materials associated with the Product(s). All rights to the Made in California Label will be withdrawn until and unless a new Application is submitted and approved.

Note: Authority cited: Sections 12098.10 and 12098.11, Government Code.
Reference: Sections 12098.10 and 12098.11, Government Code.

§ 8150. Fee Imposition, Structure, and Management.

(a) Upon application Application approval, GO-Biz shall assess a fee Fee on all licensees Licensees. The total Fee will be collected in advance for the entire Certification Term of the License Agreement.

(b) The fee Fee shall be determined calculated for each licensee based on the number of products that are included in an approved application employees employed by the Applicant.

(1) The Fee shall be seventy-five dollars (\$75.00) for companies with less than (20) employees, two hundred and fifty dollars (\$250.00) for companies with twenty (20) to five hundred (500) employees, and five hundred dollars (\$500.00) for companies with over five hundred (500) employees.

(2) The Fee will be imposed every two (2) years commencing on the date when GO-Biz signs this Agreement and on the same date every two (2) years while the Agreement remains valid.

(c) GO-Biz shall provide a one-time waiver or discount on the Fee for the first two (2) year term of the License Agreement to Applicants as follows:

(1) An Applicant that was a participant in the Made in California Program previously administered by California Manufacturing Technology Consulting (CMTC) shall receive a full waiver of the applicable fee.

(2) An Applicant that has been named to the Made in California Advisory Committee shall receive a full waiver of the application fee.

(3) An Applicant that has made in-kind contributions to the Made in California Program. The value of approved in-kind contributions shall be applied as a

dollar-for-dollar credit against the applicable fee, not to exceed the total fee otherwise due for the first two-year term of the Licensing Agreement.

~~(c) The fee shall be one hundred dollars (\$100.00) for the first product in an approved application and twenty-five dollars (\$25.00) for each additional product not to exceed a total of one hundred and fifty dollars (\$150.00) from a single approved application.~~

~~(d) The fee will be imposed on an annual basis commencing on the date when an application is approved and on the same date each following year while the license remains valid.~~

~~(e) (d)~~ GO-Biz will collect and deposit all fees in the Made in California Fund.

Note: Authority cited: Sections 12098.10 and 12098.11, Government Code.
Reference: Sections 12098.10 and 12098.11, Government Code.

§ 8160. Product Database.

(a) The Product Database shall be available on the Website and shall include information about the Licensee and all Licensee's Products. Licensees are responsible for inputting, maintaining and updating their own Product information.

(b) It is the responsibility of each Licensee to ensure all Products listed in the Product Database meet the Program requirements.

(c) Licensees may enter the following information into the Product Database:

(1) Product(s) eligible to use the Made in California Label, categories the Product(s) fall(s) under, and a brief description of the Product(s);

(2) Uploaded photo(s) of the Product(s);

(3) Any other descriptive information about the Product(s) to be used for marketing purposes on the Website;

(4) Company logo; and,

(5) Company biography.

(d) Applicant authorizes GO-Biz to use all information contained in the Product Database such as Product information, Product photos, and business biographies on the Website and in any other Made in California marketing

materials developed or approved by GO-Biz (i.e., CA Grown, Visit California, etc.).

(e) Applicant gives GO-Biz permission to alter the style and format of marketing materials. GO-Biz shall not alter the content of the marketing materials without written permission from the Applicant.

Note: Authority cited: Sections 12098.10 and 12098.11, Government Code.
Reference: Sections 12098.10 and 12098.11, Government Code.