

# HOUSE BILL 12

P2

11r0605

HB 1465/10 – HGO

(PRE-FILED)

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By: ~~Delegate Beitzel~~ Delegates Beitzel, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Kach, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Ready, Reznik, and Tarrant

Requested: November 18, 2010

Introduced and read first time: January 12, 2011

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Procurement – Employee Uniforms and Equipment – Place of Manufacture**

3 FOR the purpose of prohibiting a public employer, under certain circumstances, from  
4 knowingly buying, furnishing, or requiring an employee to buy or acquire for  
5 use while on duty certain uniforms and other equipment unless the uniforms or  
6 other equipment are manufactured in the United States; requiring the Board of  
7 Public Works to adopt certain regulations; providing for the application of this  
8 Act; defining a certain term; and generally relating to the procurement of  
9 employee uniforms and equipment.

10 BY adding to

11 Article – State Finance and Procurement

12 Section 14–411

13 Annotated Code of Maryland

14 (2009 Replacement Volume and 2010 Supplement)

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

17 **Article – State Finance and Procurement**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 14-411.

2 (A) IN THIS SECTION, "PUBLIC EMPLOYER" MEANS:

3 (1) A UNIT;

4 (2) A COUNTY;

5 (3) A MUNICIPALITY IN THE STATE;

6 (4) A SCHOOL DISTRICT IN THE STATE; OR

7 (5) ANY SPECIAL DISTRICT IN THE STATE.

8 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SECTION, A  
9 PUBLIC EMPLOYER MAY NOT KNOWINGLY BUY, FURNISH, OR REQUIRE AN  
10 EMPLOYEE TO BUY OR ACQUIRE FOR USE WHILE ON DUTY ANY OF THE  
11 FOLLOWING ITEMS UNLESS THE ITEM IS MANUFACTURED IN THE UNITED  
12 STATES:

13 (I) A UNIFORM OR ANY OTHER ITEM OF APPAREL, THE  
14 SELECTION OF WHICH IS NOT IN THE EMPLOYEE'S DISCRETION, EXCEPT FOR  
15 THE PROPER SIZE; OR

16 (II) SAFETY EQUIPMENT AND PROTECTIVE ACCESSORIES.

17 (2) A PUBLIC EMPLOYER MAY BUY, FURNISH, OR REQUIRE AN  
18 EMPLOYEE TO PURCHASE OR ACQUIRE AN ITEM LISTED IN PARAGRAPH (1) OF  
19 THIS SUBSECTION THAT IS MANUFACTURED OUTSIDE OF THE UNITED STATES,  
20 IF:

21 (I) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED  
22 OR AVAILABLE FOR PURCHASE IN THE UNITED STATES;

23 (II) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED  
24 OR AVAILABLE FOR PURCHASE IN THE UNITED STATES IN REASONABLY  
25 AVAILABLE QUANTITIES;

26 (III) THE PRICE OF THE ITEM OR A SIMILAR ITEM  
27 MANUFACTURED IN THE UNITED STATES EXCEEDS THE PRICE OF A SIMILAR,  
28 AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES BY AN  
29 UNREASONABLE AMOUNT; OR

30 (IV) THE QUALITY OF THE ITEM OR A SIMILAR ITEM  
31 MANUFACTURED IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE

1 QUALITY OF A COMPARABLY PRICED, SIMILAR, AND AVAILABLE ITEM THAT IS  
2 NOT MANUFACTURED IN THE UNITED STATES.

3 (3) THE BOARD SHALL ADOPT REGULATIONS DEFINING THE  
4 FOLLOWING TERMS FOR THE PURPOSES OF THIS SECTION:

5 (I) "REASONABLY AVAILABLE";

6 (II) "UNREASONABLE AMOUNT"; AND

7 (III) "SUBSTANTIALLY LESS".

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
9 construed to apply only prospectively and may not be applied or interpreted to have  
10 any effect on or application to any contract for the procurement of uniforms, safety  
11 equipment, or protective accessories entered into by a public employer before the  
12 effective date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.