A BILL ENTITLED

AN ACT concerning

Procurement – Carbon–Intensive Foods

FOR the purpose of requiring the Maryland Green Purchasing Committee to publish a list of carbon–intensive foods, in consultation with the Department of the Environment and the Department of General Services, and to establish best practices for units to reduce the volume of carbon–intensive foods purchased to the maximum extent practicable as a percentage of gross food purchases; requiring each unit to give consideration and preference to certain foods; establishing a certain goal of the Department of General Services; requiring each unit to report certain information to the Department of General Services on or before a certain date each year; applying certain provisions of this Act to the University System of Maryland; defining a certain term; requiring the Maryland Green Purchasing Council to take certain actions on or before certain dates; providing that a certain catchline is not law and may not be considered to have been enacted as part of this Act; and generally relating to procurement of foods.

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 11–203(e)(1), (2), and (7)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 11–203(e)(5)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY adding to

Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

11–203.

(e) (1) In this subsection, “University” means the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:

1. § 11–205 of this subtitle (“Collusion”);

2. § 11–205.1 of this subtitle (“Falsification, concealment, etc., of material facts”);

3. § 13–219 of this article (“Required clauses – Nondiscrimination clause”);

4. § 13–225 of this article (“Retainage”);

5. Title 14, Subtitle 3 of this article (“Minority Business Participation”);

6. § 14–409.1 OF THIS ARTICLE (“CARBON–INTENSIVE FOODS”);

7. Title 15, Subtitle 1 of this article (“Procurement Contract Administration”);

8. § 15–226 of this article (“Policy established; timing of payments; notice upon nonpayment; disputes; appeals”); and

9. Title 16 of this article (“Suspension and Debarment of Contractors”).

(ii) If a procurement violates the provisions of this subsection or
policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

(7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

(i) procurement by a University from:

1. another unit;
2. a political subdivision of the State;
3. an agency of a political subdivision of the State;
4. a government, including the government of another state, of the United States, or of another country;
5. an agency or political subdivision of a government; or
6. a bistate, multistate, bicounty, or multicounty governmental agency;

(ii) procurement by a University in support of enterprise activities for the purpose of:

1. direct resale;
2. remanufacture and subsequent resale; or
3. procurement by the University for overseas programs; or

(iii) procurement by the University System of Maryland for:

1. services of managers to invest, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article; or
2. expenditures to manage, maintain, and enhance, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, the value of gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article.

14–409.1. CARBON–INTENSIVE FOODS.

(A) IN THIS SECTION, “CARBON–INTENSIVE FOODS” MEANS FOOD PRODUCTS THAT EMIT A HIGH LEVEL OF GREENHOUSE GASES THROUGHOUT THE
LIFE CYCLE OF THE PRODUCT, RELATIVE TO OTHER FOODS.

(B) TO TRACK THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD PURCHASES MADE BY STATE AGENCIES, THE MARYLAND GREEN PURCHASING COMMITTEE ESTABLISHED UNDER § 14–410 OF THIS SUBTITLE SHALL:

(1) IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF GENERAL SERVICES, PUBLISH A LIST OF CARBON–INTENSIVE FOODS; AND

(2) ESTABLISH BEST PRACTICES FOR UNITS TO REDUCE, TO THE MAXIMUM EXTENT PRACTICABLE, THE VOLUME OF CARBON–INTENSIVE FOODS PURCHASED AS A PERCENTAGE OF GROSS FOOD PURCHASES.

(C) EACH UNIT, TO THE MAXIMUM EXTENT PRACTICABLE, SHALL GIVE CONSIDERATION AND PREFERENCE TO FOODS THAT ARE NOT ON THE LIST OF CARBON–INTENSIVE FOODS AND THAT MEET THE NUTRITIONAL NEEDS OF THE POPULATION SERVED.

(D) IT IS THE GOAL OF THE DEPARTMENT OF GENERAL SERVICES TO REDUCE, TO THE EXTENT PRACTICABLE, THE VOLUME OF CARBON–INTENSIVE FOODS PURCHASED BY STATE PROCUREMENT UNITS.

(E) ON OR BEFORE SEPTEMBER 1, 2020, AND EACH SEPTEMBER 1 THEREAFTER, EACH UNIT SHALL REPORT TO THE DEPARTMENT OF GENERAL SERVICES ON THE UNIT’S PROCUREMENT OF CARBON–INTENSIVE FOODS AS A PERCENTAGE OF THE UNIT’S GROSS VOLUME OF FOOD PURCHASES DURING THE IMMEDIATELY PRECEDING FISCAL YEAR, INCLUDING THE TYPES AND QUANTITIES OF EACH CARBON–INTENSIVE FOOD PURCHASED.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Green Purchasing Committee established under § 14–410 of the State Finance and Procurement Article shall:

(1) publish a list of carbon–intensive foods as required under § 14–409.1(b)(1) of the State Finance and Procurement Article, as enacted by Section 1 of this Act, on or before January 1, 2020; and

(2) establish the best practices required under § 14–409.1(b)(2) of the State Finance and Procurement Article, as enacted by Section 1 of this Act, on or before September 1, 2020.

SECTION 3. AND BE IT FURTHER ENACTED, That the catchline contained in this Act is not law and may not be considered to have been enacted as part of this Act.
SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.