

HOUSE BILL 772

P2, M3

0lr1707
CF SB 478

By: Delegates Gilchrist, Bagnall, B. Barnes, Barron, Cain, Carr, Cullison, Fraser-Hidalgo, Guyton, Haynes, Ivey, Jalisi, Kelly, Korman, R. Lewis, Lierman, Lisanti, Lopez, Love, Moon, Palakovich Carr, Reznik, Shetty, Solomon, Stein, Stewart, Valderrama, and Wilkins Wilkins, Turner, Belcastro, Bhandari, Charles, Hill, Johnson, Pena-Melnyk, Pendergrass, Rosenberg, and K. Young

Introduced and read first time: January 31, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Maryland Green Purchasing Committee – Food and Beverage Procurement –**
3 **Greenhouse Gas Emissions**

4 FOR the purpose of requiring the Maryland Green Purchasing Committee ~~to develop on or~~
5 ~~before a certain date a certain methodology~~, in consultation with the Department of
6 the Environment ~~and, the Department of Agriculture, the Department of General~~
7 ~~Services, and other stakeholders, to develop, on or before a certain date, a certain~~
8 ~~methodology~~ for a unit to estimate greenhouse gas emissions ~~that occur through the~~
9 ~~life cycle of certain food; requiring the Committee to establish on or before a certain~~
10 ~~date of certain food and beverages, establish~~ a certain baseline measurement;
11 ~~requiring the Committee, in consultation with the Department of the Environment,~~
12 ~~to establish best practices on or before a certain date, and develop certain strategies~~
13 ~~and policy recommendations~~ for units to reduce certain greenhouse gas emissions;
14 ~~requiring each unit to give consideration and preference to certain foods and~~
15 ~~procurement practices; establishing certain goals~~ establishing a certain goal of the
16 ~~Department of General Services~~ General Assembly to reduce overall greenhouse gas
17 emissions ~~according to~~ by a certain reduction schedule percentage by a certain year;
18 requiring each unit to report certain information to the Committee on or before a
19 certain date each year; requiring the Committee to ~~include~~ report certain
20 information ~~in its annual report starting with a certain report~~ to the General

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 Assembly on or before a certain date each year; requiring the Committee to submit
 2 certain interim and final reports to the General Assembly on or before certain dates;
 3 applying certain provisions of this Act to the University System of Maryland;
 4 providing that a certain catchline is not law and may not be considered to have been
 5 enacted as part of this Act; providing for the termination of this Act; and generally
 6 relating to procurement of ~~foods~~ food and beverages.

7 BY repealing and reenacting, without amendments,
 8 Article – State Finance and Procurement
 9 Section 11–203(e)(1), (2), and (7)
 10 Annotated Code of Maryland
 11 (2015 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article – State Finance and Procurement
 14 Section 11–203(e)(5)
 15 Annotated Code of Maryland
 16 (2015 Replacement Volume and 2019 Supplement)

17 BY adding to
 18 Article – State Finance and Procurement
 19 Section 14–410.1
 20 Annotated Code of Maryland
 21 (2015 Replacement Volume and 2019 Supplement)

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

24 **Article – State Finance and Procurement**

25 11–203.

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

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

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

- 33 1. § 11–205 of this subtitle (“Collusion”);
- 34 2. § 11–205.1 of this subtitle (“Falsification, concealment,
 35 etc., of material facts”);

1 3. § 13–219 of this article (“Required clauses
2 – Nondiscrimination clause”);

3 4. § 13–225 of this article (“Retainage”);

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

6 **6. § 14–410.1 OF THIS ARTICLE (“GREENHOUSE GAS
7 EMISSIONS IN ~~FOODS~~ FOOD AND BEVERAGES”);**

8 **[6.] 7.** Title 15, Subtitle 1 of this article (“Procurement Contract
9 Administration”);

10 **[7.] 8.** § 15–226 of this article (“Policy established; timing of
11 payments; notice upon nonpayment; disputes; appeals”); and

12 **[8.] 9.** Title 16 of this article (“Suspension and Debarment of
13 Contractors”).

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

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

18 (i) procurement by a University from:

19 1. another unit;

20 2. a political subdivision of the State;

21 3. an agency of a political subdivision of the State;

22 4. a government, including the government of another state,
23 of the United States, or of another country;

24 5. an agency or political subdivision of a government; or

25 6. a bistate, multistate, bicounty, or multicounty
26 governmental agency;

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

29 1. direct resale;

- 1 2. remanufacture and subsequent resale; or
- 2 3. procurement by the University for overseas programs; or
- 3 (iii) procurement by the University System of Maryland for:
- 4 1. services of managers to invest, in accordance with the
- 5 management and investment policies adopted by the Board of Regents of the University
- 6 System of Maryland, gift and endowment assets received by the University System of
- 7 Maryland in accordance with § 12–104(e) of the Education Article; or
- 8 2. expenditures to manage, maintain, and enhance, in
- 9 accordance with the management and investment policies adopted by the Board of Regents
- 10 of the University System of Maryland, the value of gift and endowment assets received by
- 11 the University System of Maryland in accordance with § 12–104(e) of the Education Article.

12 **14–410.1. GREENHOUSE GAS EMISSIONS IN ~~FOODS~~ FOOD AND BEVERAGES.**

13 **(A) TO TRACK THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD**

14 **AND BEVERAGE PURCHASES MADE BY STATE AGENCIES, THE MARYLAND GREEN**

15 **PURCHASING COMMITTEE ESTABLISHED UNDER § 14–410 OF THIS SUBTITLE, IN**

16 **CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, THE**

17 **DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF GENERAL SERVICES, AND**

18 **OTHER STAKEHOLDERS, SHALL:**

19 **(1) ON OR BEFORE JANUARY 1, 2022, ~~IN CONSULTATION WITH THE~~**

20 **~~DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF GENERAL~~**

21 **~~SERVICES,~~ DEVELOP A METHODOLOGY FOR A UNIT TO ESTIMATE, TO THE EXTENT**

22 **PRACTICABLE, THE GREENHOUSE GAS EMISSIONS ~~THAT OCCUR THROUGH THE LIFE~~**

23 **~~CYCLE OF ALL FOOD~~ OF FOOD AND BEVERAGES PURCHASED BY THE UNIT,**

24 **INCLUDING THIRD-PARTY VENDORS THAT PROVIDE FOOD ON BEHALF OF THE UNIT;**

25 **~~THAT:~~**

26 **~~(I) WILL ENABLE A UNIT TO RELIABLY TRACK CHANGES IN ITS~~**

27 **~~FOOD RELATED GREENHOUSE GAS EMISSIONS OVER TIME AND DEMONSTRATE~~**

28 **~~REDUCTIONS IN GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD PURCHASED~~**

29 **~~BY THE UNIT;~~**

30 **~~(II) MAY ALLOW A UNIT TO EXCLUDE FROM THE TRACKING~~**

31 **~~METHOD FOOD PROCUREMENTS THAT DO NOT EXCEED \$15,000; AND~~**

32 **~~(III) CONSIDERS THE COSTS AND FEASIBILITY OF~~**

33 **~~IMPLEMENTING THE TRACKING METHOD;~~**

1 (2) ON OR BEFORE JANUARY 1, 2023, ESTABLISH A BASELINE
2 MEASUREMENT OF THE OVERALL ANNUAL GREENHOUSE GAS EMISSIONS
3 ASSOCIATED WITH THE STATE'S FOOD AND BEVERAGE PURCHASES; AND

4 (3) ~~IN CONSULTATION WITH THE DEPARTMENT OF THE~~
5 ~~ENVIRONMENT, ESTABLISH BEST PRACTICES~~ DEVELOP STRATEGIES AND POLICY
6 RECOMMENDATIONS, INCLUDING ANY APPROPRIATE INTERIM GREENHOUSE GAS
7 REDUCTION GOALS, FOR UNITS TO REDUCE THE GREENHOUSE GAS EMISSIONS
8 ASSOCIATED WITH FOOD PURCHASED BY THE UNIT WITH THE GOAL OF REDUCING
9 OVERALL GREENHOUSE GAS EMISSIONS AS ESTABLISHED UNDER SUBSECTION (B)
10 OF THIS SECTION, INCLUDING RECOMMENDATIONS FOR REDUCING FOOD WASTE
11 AND FOR PROCURING FOODS GROWN OR RAISED USING HEALTHY SOILS, AS DEFINED
12 UNDER § 2-1901 OF THE AGRICULTURE ARTICLE.

13 ~~(B) EACH UNIT SHALL GIVE CONSIDERATION AND PREFERENCE TO FOODS~~
14 ~~AND PROCUREMENT PRACTICES THAT WILL ACHIEVE THE GOAL OF REDUCING THE~~
15 ~~GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD PURCHASED BY THE UNIT.~~

16 ~~(C)~~ (B) IT IS THE GOAL OF THE ~~DEPARTMENT OF GENERAL SERVICES~~
17 GENERAL ASSEMBLY TO REDUCE THE OVERALL GREENHOUSE GAS EMISSIONS
18 ASSOCIATED WITH FOOD AND BEVERAGES PURCHASED BY STATE PROCUREMENT
19 UNITS ~~ACCORDING TO THE FOLLOWING REDUCTION SCHEDULE~~ BY 25% BY FISCAL
20 YEAR 2030, AS MEASURED IN RELATION TO THE BASELINE MEASUREMENT
21 ESTABLISHED UNDER SUBSECTION (A)(2) OF THIS SECTION:

22 ~~(1) FOR FISCAL YEAR 2024, A 10% REDUCTION;~~

23 ~~(2) FOR FISCAL YEAR 2027, AN 18% REDUCTION; AND~~

24 ~~(3) FOR FISCAL YEAR 2030, A 25% REDUCTION.~~

25 ~~(D)~~ (C) ON OR BEFORE ~~AUGUST~~ OCTOBER 1, 2024, AND EACH ~~AUGUST~~
26 OCTOBER 1 THEREAFTER, EACH UNIT SHALL REPORT TO THE MARYLAND GREEN
27 PURCHASING COMMITTEE ON THE UNIT'S PROGRESS IN REDUCING THE
28 GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD AND BEVERAGES PROCURED
29 BY THE UNIT DURING THE IMMEDIATELY PRECEDING FISCAL YEAR IN A FORMAT SET
30 BY THE COMMITTEE AND CONSISTENT WITH THE METHODOLOGY ESTABLISHED
31 UNDER SUBSECTION (A)(1) OF THIS SECTION.

32 ~~(E) BEGINNING WITH THE ANNUAL REPORT SUBMITTED IN 2024 AS~~
33 ~~REQUIRED UNDER § 14-410(E) OF THIS SUBTITLE, THE MARYLAND GREEN~~
34 ~~PURCHASING COMMITTEE SHALL INCLUDE IN ITS ANNUAL REPORT:~~

1 **(D) ON OR BEFORE DECEMBER 31, 2024, AND EACH DECEMBER 31**
2 **THEREAFTER, THE MARYLAND GREEN PURCHASING COMMITTEE SHALL REPORT**
3 **TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
4 **GOVERNMENT ARTICLE, ON:**

5 **(1) AN UPDATE ON THE OVERALL PROGRESS OF THE STATE IN**
6 **REDUCING GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD AND BEVERAGES**
7 **PROCURED BY THE STATE; AND**

8 **(2) RECOMMENDATIONS FOR POLICY CHANGES TO FURTHER REDUCE**
9 **GREENHOUSE GAS EMISSIONS FROM FOOD AND BEVERAGES OR TO ACHIEVE MORE**
10 **QUICKLY THE REDUCTION GOALS ESTABLISHED UNDER THIS SECTION.**

11 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

12 **(a) On or before December 31, 2020, the Maryland Green Purchasing Committee**
13 **shall submit an interim report to the General Assembly, in accordance with § 2-1257 of the**
14 **State Government Article, on the progress of developing strategies and policy**
15 **recommendations required under § 14-410.1(a)(3) of the State Finance and Procurement**
16 **Article, as enacted by Section 1 of this Act.**

17 **(b) On or before October 1, 2021, the Maryland Green Purchasing Committee**
18 **shall submit a final report to the General Assembly, in accordance with § 2-1257 of the**
19 **State Government Article, on strategies and policy recommendations required under §**
20 **14-410.1(a)(3) of the State Finance and Procurement Article, as enacted by Section 1 of this**
21 **Act, including any recommendations for legislation.**

22 **SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the catchline contained in**
23 **this Act is not law and may not be considered to have been enacted as part of this Act.**

24 **SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **July 1, 2020. It shall remain effective for a period of 10 years and 6 months and, at the end**
26 **of December 31, 2030, this Act, with no further action required by the General Assembly,**
27 **shall be abrogated and of no further force and effect.**