

HOUSE BILL 586

P2, M3

3lr1946
CF SB 782

By: ~~Delegate Stein~~ Delegates Stein, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, S. Johnson, Kaiser, Kerr, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Rosenberg, Taveras, White, and Woods

Introduced and read first time: February 3, 2023
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **State Procurement – Purchasing ~~Preferences~~ – Compost, Mulch, and Soil**
3 **Amendments and Aggregate**

4 FOR the purpose of requiring each unit of State government to ~~give preference to~~ include
5 certain specifications for certain products produced from recycled or organic
6 materials when ~~purchasing~~ establishing procurement specifications for compost,
7 mulch, or other soil amendments or aggregate; requiring the Maryland Green
8 Purchasing Committee to establish certain specifications and publish and maintain
9 the specifications online; and generally relating to the procurement of compost,
10 mulch, and soil amendments or aggregate.

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 14–409
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2022 Supplement)

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

18 **Article – State Finance and Procurement**

19 14–409.

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 ~~(a) IN THIS SECTION, "PREFERENCE" MEANS:~~

2 ~~(1) A PERCENTAGE PRICE PREFERENCE; AND~~

3 ~~(2) ANY OTHER PROVISION THAT FAVORS PRODUCTS PRODUCED~~
 4 ~~FROM ORGANIC MATERIALS IN ACCORDANCE WITH THIS SECTION.~~

5 (A) IN THIS SECTION, "AGGREGATE" MEANS GRAVEL, CRUSHED STONE,
 6 SAND, AND OTHER SIMILAR MATERIALS.

7 (B) A State or local unit responsible for the maintenance of public lands in the
 8 State, to the maximum extent practicable, shall give consideration and preference to the
 9 use of compost in any land maintenance activity that is to be paid for with public funds.

10 [(b)] (C) It is the goal of the Department of General Services to:

11 (1) compost, to the extent practicable, all landscape waste on State
 12 property that is under its operation for use as fertilizer in landscaping activities; and

13 (2) increase the percentage of landscaped area fertilized by compost each
 14 year.

15 (D) (1) IN PURCHASING COMPOST, MULCH, OR OTHER SOIL AMENDMENTS
 16 OR AGGREGATE, EACH UNIT OF STATE GOVERNMENT SHALL GIVE PREFERENCE TO
 17 PRODUCTS PRODUCED FROM MUNICIPAL SOLID WASTE, FOOD WASTE, SLUDGE,
 18 YARD WASTE, CLEAN WOOD WASTE, OR OTHER ORGANIC MATERIALS, PROVIDED
 19 THAT INCLUDE IN ITS PROCUREMENT SPECIFICATIONS THE SPECIFICATIONS
 20 PUBLISHED BY THE MARYLAND GREEN PURCHASING COMMITTEE FOR COMPOST,
 21 MULCH, OR OTHER SOIL AMENDMENTS OR AGGREGATE UNDER PARAGRAPH (3) OF
 22 THIS SUBSECTION.

23 (2) THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION
 24 APPLY IF:

25 (I) THE PRODUCTS ARE COMPETITIVELY PRICED; AND

26 (II) THE QUALITY OF THE PRODUCTS IS SATISFACTORY FOR THE
 27 INTENDED PURPOSES; AND

28 (III) THE PRODUCTS ARE READILY AVAILABLE.

29 ~~(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A~~
 30 ~~PRODUCT SHALL BE CONSIDERED TO BE COMPETITIVELY PRICED FOR PURPOSES OF~~
 31 ~~THIS SUBSECTION IF THE PRICE OF THE PRODUCT IS NOT MORE THAN 10% ABOVE~~

1 ~~THE PRICE OF A COMPARABLE PRODUCT MANUFACTURED FROM VIRGIN~~
2 ~~MATERIALS.~~

3 ~~(H) IF THE MARYLAND GREEN PURCHASING COMMITTEE~~
4 ~~DETERMINES THAT A 15% PRICE DIFFERENTIAL IS IN THE BEST INTEREST OF THE~~
5 ~~STATE, A PRODUCT MAY BE CONSIDERED TO BE COMPETITIVELY PRICED FOR~~
6 ~~PURPOSES OF THIS SUBSECTION IF THE PRICE OF THE PRODUCT IS NOT MORE THAN~~
7 ~~15% ABOVE THE PRICE OF A COMPARABLE PRODUCT MANUFACTURED FROM VIRGIN~~
8 ~~MATERIALS.~~

9 (3) (I) THE MARYLAND GREEN PURCHASING COMMITTEE,
10 ESTABLISHED UNDER § 14-410 OF THIS SUBTITLE, SHALL ESTABLISH
11 SPECIFICATIONS FOR PURCHASING OF COMPOST, MULCH, OR OTHER SOIL
12 AMENDMENTS OR AGGREGATE PRODUCED FROM MUNICIPAL SOLID WASTE, FOOD
13 WASTE, DREDGED MATERIAL, CONSTRUCTION WASTE, YARD WASTE, CLEAN WOOD
14 WASTE, OR OTHER RECYCLED OR ORGANIC MATERIALS.

15 (II) THE SPECIFICATIONS ESTABLISHED UNDER
16 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE PUBLISHED AND MAINTAINED
17 ONLINE BY THE MARYLAND GREEN PURCHASING COMMITTEE FOR USE BY STATE
18 AGENCIES.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.