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By: **Delegates Montague, Dobson, and Goldwater**  
Introduced and read first time: February 8, 2002  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement - Preferences - Higher Calcium Products**

3 FOR the purpose of requiring all State agencies to prefer purchasing certain products  
4 with higher levels of calcium under certain circumstances; requiring the  
5 preferred purchase of higher calcium products in addition to the requirements  
6 placed upon certain agencies by a certain federal agency under certain  
7 programs; exempting the purchasing agency of certain State facilities from the  
8 preferred purchasing of certain higher calcium products if the director  
9 determines it would interfere with the proper treatment and care of a patient in  
10 that State facility; providing for the application of this Act; and generally  
11 relating to the preferential purchasing of higher calcium products.

12 BY adding to  
13 Article - State Finance and Procurement  
14 Section 14-407  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume)

17 **Preamble**

18 WHEREAS, Calcium deficiencies are an epidemic, costing billions in health care  
19 costs each year; and

20 WHEREAS, Calcium deficient diets have been linked to many diseases  
21 including osteoporosis, adult-, childhood-, and pregnancy-related hypertension  
22 (preeclampsia), obesity, colon cancer, premenstrual syndrome, postpartum  
23 depression, kidney stone formation, and polycystic ovary disease; and

24 WHEREAS, The Centers for Disease Control reports that 66 percent of today's  
25 children do not get their recommended daily intake of calcium; and

26 WHEREAS, The National Institute of Child Health and Human Development  
27 recognizes inadequate calcium consumption among children as a serious threat to  
28 their later health, growth, and development; and

1 WHEREAS, Bones grow and incorporate calcium most rapidly during the teen  
2 years and establish 90 percent of adult bone mass by age 17; and

3 WHEREAS, Only 13 percent of teenage girls get the necessary calcium during  
4 their peak bone building adolescent years; and

5 WHEREAS, Most health problems associated with calcium deficiency are  
6 preventable with simple dietary changes; now, therefore,

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

9 **Article - State Finance and Procurement**

10 14-407.

11 (A) THIS SECTION APPLIES IN ADDITION TO ANY REQUIREMENTS PLACED  
12 UPON A STATE OR LOCAL AGENCY BY THE UNITED STATES DEPARTMENT OF  
13 AGRICULTURE UNDER THE NATIONAL SCHOOL LUNCH PROGRAM OR THE SCHOOL  
14 BREAKFAST PROGRAM.

15 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, BEGINNING OCTOBER 1,  
16 2003, ALL STATE AGENCIES THAT PURCHASE FOOD AND BEVERAGES TO BE  
17 PROCESSED AND SERVED IN A BUILDING OR ROOM OWNED OR OPERATED BY A  
18 STATE OR LOCAL AGENCY SHALL GIVE PREFERENCE TO FOOD AND BEVERAGE  
19 PRODUCTS THAT:

20 (1) CONTAIN A HIGHER LEVEL OF CALCIUM THAN PRODUCTS OF THE  
21 SAME TYPE AND QUALITY CONTAIN; AND

22 (2) ARE EQUAL IN PRICE TO OR LOWER IN PRICE THAN PRODUCTS OF  
23 THE SAME TYPE AND QUALITY.

24 (C) IF THE DIRECTOR OF A STATE MEDICAL OR HEALTH CARE FACILITY  
25 DETERMINES THAT A HIGH CALCIUM FOOD OR BEVERAGE THAT IS PREFERRED  
26 UNDER SUBSECTION (B) OF THIS SECTION WOULD INTERFERE WITH THE PROPER  
27 TREATMENT AND CARE OF A PATIENT OF A STATE MEDICAL OR HEALTH CARE  
28 FACILITY, THE PURCHASING AGENT FOR THE STATE MEDICAL OR HEALTH CARE  
29 FACILITY IS NOT REQUIRED TO PURCHASE THE HIGH CALCIUM FOOD OR BEVERAGE  
30 FOR THE PATIENT.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
32 construed to apply to a contract or procurement agreement entered into on or before  
33 October 1, 2002.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2002.