

HOUSE BILL 906

F1, P2

71r2008

By: **Delegates Lawton, Ali, Barkley, Cane, V. Clagett, Dumais, Gilchrist, Glassman, Glenn, Gutierrez, Healey, Hucker, Ivey, Jennings, Lafferty, Love, Malone, Manno, McConkey, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Ross, Sossi, Stein, Stull, Tarrant, Taylor, Waldstreicher, and Weir**

Introduced and read first time: February 9, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Public Schools and Facilities – Preference for Locally Grown**
3 **Foods**

4 FOR the purpose of providing a certain price preference for locally grown foods under
5 certain circumstances; requiring each county board of education to adopt certain
6 regulations concerning the establishment of a certain percentage price
7 preference; requiring county boards to review certain procurement
8 specifications and, to the extent practicable, require the use of a percentage
9 price preference in their purchase of food; defining certain terms; and generally
10 relating to a percentage price preference for the procurement of locally grown
11 food for public schools and facilities.

12 BY adding to
13 Article – Education
14 Section 5–112.1
15 Annotated Code of Maryland
16 (2006 Replacement Volume)

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

19 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **5-112.1.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "LOCALLY GROWN FOOD" MEANS FOOD GROWN IN THE
5 STATE.

6 (3) "PERCENTAGE PRICE PREFERENCE" MEANS THE PERCENT BY
7 WHICH A RESPONSIVE BID FROM A RESPONSIBLE BIDDER WHOSE PRODUCT IS A
8 LOCALLY GROWN FOOD MAY EXCEED THE LOWEST RESPONSIVE BID SUBMITTED
9 BY A RESPONSIBLE BIDDER WHOSE PRODUCT IS NOT A LOCALLY GROWN FOOD.

10 (B) IN ACCORDANCE WITH THE APPLICABLE RULES AND REGULATIONS
11 OF THE STATE BOARD, EACH COUNTY BOARD SHALL ADOPT REGULATIONS TO
12 ESTABLISH A PERCENTAGE PRICE PREFERENCE, NOT TO EXCEED 5%, FOR THE
13 PURCHASE OF LOCALLY GROWN FOOD FOR THE SCHOOLS AND FACILITIES
14 SUBJECT TO ITS JURISDICTION.

15 (C) A PERCENTAGE PRICE PREFERENCE UNDER THIS SECTION MAY NOT
16 BE USED IN CONJUNCTION WITH ANY OTHER PERCENTAGE PRICE PREFERENCE
17 ESTABLISHED UNDER THIS ARTICLE OR OTHER APPLICABLE LAW.

18 (D) EACH COUNTY BOARD SHALL REVIEW ITS PROCUREMENT
19 SPECIFICATIONS CURRENTLY USED AND, TO THE EXTENT PRACTICABLE,
20 REQUIRE THE USE OF A PERCENTAGE PRICE PREFERENCE IN THEIR PURCHASE
21 OF LOCALLY GROWN FOOD FOR ITS SCHOOLS AND FACILITIES.

22 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
23 SUBSECTION, THIS SECTION IS BROADLY APPLICABLE TO ALL PROCUREMENTS
24 BY A COUNTY BOARD FOR ITS SCHOOLS AND FACILITIES IF THE LOCALLY
25 GROWN FOOD IS CONSISTENT WITH THE REQUIREMENTS OF THE BID
26 SPECIFICATION.

27 (2) ONLY TO THE EXTENT NECESSARY TO PREVENT THE DENIAL
28 OF FEDERAL MONEYS OR ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW,
29 THIS SECTION DOES NOT APPLY TO A PROCUREMENT BY A COUNTY BOARD FOR

1 **ITS SCHOOLS OR FACILITIES IF IT IS DETERMINED THAT COMPLIANCE WITH**
2 **THIS SECTION WOULD:**

3 **(I) CAUSE DENIAL OF FEDERAL MONEYS; OR**

4 **(II) BE INCONSISTENT WITH THE REQUIREMENTS OF**
5 **FEDERAL LAW.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2007.