SENATE BILL 496

F1, P2

By: Senator Raskin

Introduced and read first time: February 2, 2007 Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

Procurement - Public Schools and Facilities - Preference for Locally Grown 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 regulations concerning the establishment of a certain percentage price 6 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 food for public schools and facilities. 11

- 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:

Article – Education

20 **5–112.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

(2) ONLY TO THE EXTENT NECESSARY TO PREVENT THE DENIAL
 OF FEDERAL MONEYS OR ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW,
 THIS SECTION DOES NOT APPLY TO A PROCUREMENT BY A COUNTY BOARD FOR
 ITS SCHOOLS OR FACILITIES IF IT IS DETERMINED THAT COMPLIANCE WITH
 THIS SECTION WOULD:

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(I) CAUSE DENIAL OF FEDERAL MONEYS; OR

1(II) BE INCONSISTENT WITH THE REQUIREMENTS OF2FEDERAL LAW.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

4 October 1, 2007.