

Chapter 314

(House Bill 12)

AN ACT concerning

Procurement – Employee Uniforms and Equipment – Place of Manufacture

FOR the purpose of prohibiting a public employer, under certain circumstances, from knowingly buying, furnishing, or requiring an employee to buy or acquire for use while on duty certain uniforms and other equipment unless the uniforms or other equipment are manufactured in the United States; requiring the Board of Public Works to adopt certain regulations; providing for the application of this Act; defining a certain term; and generally relating to the procurement of employee uniforms and equipment.

BY adding to

Article – State Finance and Procurement

Section 14–411

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

Article – State Finance and Procurement

14–411.

(A) IN THIS SECTION, “PUBLIC EMPLOYER” MEANS:

- (1) A UNIT;**
- (2) A COUNTY;**
- (3) A MUNICIPALITY IN THE STATE;**
- (4) A SCHOOL DISTRICT IN THE STATE; OR**
- (5) ANY SPECIAL DISTRICT IN THE STATE.**

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SECTION, A PUBLIC EMPLOYER MAY NOT KNOWINGLY BUY, FURNISH, OR REQUIRE AN EMPLOYEE TO BUY OR ACQUIRE FOR USE WHILE ON DUTY ANY OF THE

FOLLOWING ITEMS UNLESS THE ITEM IS MANUFACTURED IN THE UNITED STATES:

(I) A UNIFORM OR ANY OTHER ITEM OF APPAREL, THE SELECTION OF WHICH IS NOT IN THE EMPLOYEE'S DISCRETION, EXCEPT FOR THE PROPER SIZE; OR

(II) SAFETY EQUIPMENT AND PROTECTIVE ACCESSORIES.

(2) A PUBLIC EMPLOYER MAY BUY, FURNISH, OR REQUIRE AN EMPLOYEE TO PURCHASE OR ACQUIRE AN ITEM LISTED IN PARAGRAPH (1) OF THIS SUBSECTION THAT IS MANUFACTURED OUTSIDE OF THE UNITED STATES, IF:

(I) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED OR AVAILABLE FOR PURCHASE IN THE UNITED STATES;

(II) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED OR AVAILABLE FOR PURCHASE IN THE UNITED STATES IN REASONABLY AVAILABLE QUANTITIES;

(III) THE PRICE OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES EXCEEDS THE PRICE OF A SIMILAR, AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES BY AN UNREASONABLE AMOUNT; OR

(IV) THE QUALITY OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE QUALITY OF A COMPARABLY PRICED, SIMILAR, AND AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES.

(3) THE BOARD SHALL ADOPT REGULATIONS DEFINING THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SECTION:

(I) "REASONABLY AVAILABLE";

(II) "UNREASONABLE AMOUNT"; AND

(III) "SUBSTANTIALLY LESS".

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract for the procurement of uniforms, safety

equipment, or protective accessories entered into by a public employer before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.