

HOUSE BILL 317

P2, M3
HB 772/20 – HGO

(PRE-FILED)

1lr1132
CF 1lr2630

By: **Delegate Gilchrist**

Requested: October 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2021

CHAPTER _____

1 AN ACT concerning

2 **Maryland Green Purchasing Committee – Food and Beverage Procurement –**
3 **Greenhouse Gas Emissions**

4 FOR the purpose of requiring the Maryland Green Purchasing Committee, in consultation
5 with the Department of the Environment, the Department of Agriculture, the
6 Department of General Services, and other stakeholders, to develop, on or before a
7 certain date, a certain methodology for a unit to estimate greenhouse gas emissions
8 of certain food and beverages, establish a certain baseline measurement on or before
9 a certain date, ~~and~~ develop certain strategies and policy recommendations for units
10 to reduce certain greenhouse gas emissions, and consider certain greenhouse gas
11 emissions and the nutrition of certain individuals; establishing a certain goal of the
12 General Assembly to reduce overall greenhouse gas emissions by a certain
13 percentage on or before a certain date; requiring each unit to report certain
14 information to the Committee on or before a certain date each year; requiring the
15 Committee to report certain information to the General Assembly on or before a
16 certain date each year; requiring the Committee to submit certain interim and final
17 reports to the General Assembly on or before certain dates; applying certain
18 provisions of this Act to the University System of Maryland; providing that a certain
19 catchline is not law and may not be considered to have been enacted as part of this
20 Act; providing for the termination of this Act; and generally relating to procurement
21 of food and beverages.

22 BY repealing and reenacting, without amendments,
23 Article – State Finance and Procurement

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 Section 11–203(e)(1), (2), and (7)
2 Annotated Code of Maryland
3 (2015 Replacement Volume and 2020 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – State Finance and Procurement
6 Section 11–203(e)(5)
7 Annotated Code of Maryland
8 (2015 Replacement Volume and 2020 Supplement)

9 BY adding to
10 Article – State Finance and Procurement
11 Section 14–410.1
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2020 Supplement)

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

16 **Article – State Finance and Procurement**

17 11–203.

18 (e) (1) In this subsection, “University” means the University System of
19 Maryland, Morgan State University, or St. Mary’s College of Maryland.

20 (2) Except as otherwise provided in this subsection, this Division II does
21 not apply to the University System of Maryland, Morgan State University, or St. Mary’s
22 College of Maryland.

23 (5) (i) Except as provided in paragraph (7) of this subsection, the
24 following provisions of Division II of this article apply to a University:

- 25 1. § 11–205 of this subtitle (“Collusion”);
- 26 2. § 11–205.1 of this subtitle (“Falsification, concealment,
27 etc., of material facts”);
- 28 3. § 13–219 of this article (“Required clauses –
29 Nondiscrimination clause”);
- 30 4. § 13–225 of this article (“Retainage”);
- 31 5. Title 14, Subtitle 3 of this article (“Minority Business
32 Participation”);

1 **6. § 14-410.1 OF THIS ARTICLE (“GREENHOUSE GAS**
2 **EMISSIONS IN FOOD AND BEVERAGES”);**

3 **[6.] 7.** Title 15, Subtitle 1 of this article (“Procurement
4 Contract Administration”);

5 **[7.] 8.** § 15-226 of this article (“Policy established; timing
6 of payments; notice upon nonpayment; disputes; appeals”); and

7 **[8.] 9.** Title 16 of this article (“Suspension and Debarment
8 of Contractors”).

9 (ii) If a procurement violates the provisions of this subsection or
10 policies adopted in accordance with this subsection, the procurement contract is void or
11 voidable in accordance with the provisions of § 11-204 of this subtitle.

12 (7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

13 (i) procurement by a University from:

14 1. another unit;

15 2. a political subdivision of the State;

16 3. an agency of a political subdivision of the State;

17 4. a government, including the government of another state,
18 of the United States, or of another country;

19 5. an agency or political subdivision of a government; or

20 6. a bistate, multistate, bicounty, or multicounty
21 governmental agency;

22 (ii) procurement by a University in support of enterprise activities
23 for the purpose of:

24 1. direct resale;

25 2. remanufacture and subsequent resale; or

26 3. procurement by the University for overseas programs; or

27 (iii) procurement by the University System of Maryland for:

28 1. services of managers to invest, in accordance with the
29 management and investment policies adopted by the Board of Regents of the University

1 System of Maryland, gift and endowment assets received by the University System of
2 Maryland in accordance with § 12–104(e) of the Education Article; or

3 2. expenditures to manage, maintain, and enhance, in
4 accordance with the management and investment policies adopted by the Board of Regents
5 of the University System of Maryland, the value of gift and endowment assets received by
6 the University System of Maryland in accordance with § 12–104(e) of the Education Article.

7 **14–410.1. GREENHOUSE GAS EMISSIONS IN FOOD AND BEVERAGES.**

8 (A) TO TRACK THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD
9 AND BEVERAGE PURCHASES MADE BY STATE AGENCIES, THE MARYLAND GREEN
10 PURCHASING COMMITTEE ESTABLISHED UNDER § 14–410 OF THIS SUBTITLE, IN
11 CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, THE
12 DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF GENERAL SERVICES, AND
13 OTHER STAKEHOLDERS, SHALL:

14 (1) ON OR BEFORE JANUARY 1, ~~2022~~ 2023, DEVELOP A
15 METHODOLOGY FOR A UNIT TO ESTIMATE, TO THE EXTENT PRACTICABLE, THE
16 GREENHOUSE GAS EMISSIONS OF FOOD AND BEVERAGES PURCHASED BY THE UNIT,
17 INCLUDING THIRD–PARTY VENDORS THAT PROVIDE FOOD ON BEHALF OF THE UNIT;

18 (2) ON OR BEFORE JANUARY 1, ~~2023~~ 2024, ESTABLISH A BASELINE
19 MEASUREMENT OF THE OVERALL ANNUAL GREENHOUSE GAS EMISSIONS
20 ASSOCIATED WITH THE STATE’S FOOD AND BEVERAGE PURCHASES; ~~AND~~

21 (3) DEVELOP STRATEGIES AND POLICY RECOMMENDATIONS,
22 INCLUDING ANY APPROPRIATE INTERIM GREENHOUSE GAS REDUCTION GOALS, FOR
23 UNITS TO REDUCE THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD
24 PURCHASED BY THE UNIT WITH THE GOAL OF REDUCING OVERALL GREENHOUSE
25 GAS EMISSIONS AS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION; AND

26 (4) CONSIDER:

27 (I) GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE
28 TRANSPORTATION OR SHIPMENT OF FOOD OR BEVERAGES, PACKAGING OF FOOD OR
29 BEVERAGES, PRODUCTION OF FOOD OR BEVERAGES, PRODUCTION OR HARVEST OF
30 INGREDIENTS IN FOOD OR BEVERAGES, RAISING OF POULTRY OR LIVESTOCK THAT
31 PRODUCE FOOD, SLAUGHTER OF POULTRY OR LIVESTOCK USED FOR FOOD, AND
32 OTHER RELEVANT SOURCES OF GREENHOUSE GAS EMISSIONS WHEN DEVELOPING
33 THE METHODOLOGY UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

34 (II) THE NUTRITION AND HEALTH OF INDIVIDUALS
35 INCARCERATED IN STATE FACILITIES, PATIENTS IN STATE HEALTH FACILITIES,

1 STUDENTS RESIDING AT STATE INSTITUTIONS OF HIGHER EDUCATION, AND OTHER
2 INDIVIDUALS DEPENDENT ON THE STATE FOR THEIR ENTIRE DIET OR A
3 SUBSTANTIAL PORTION OF THEIR DIET, WHEN DEVELOPING STRATEGIES AND
4 POLICY RECOMMENDATIONS UNDER PARAGRAPH (3) OF THIS SUBSECTION.

5 (B) IT IS THE GOAL OF THE GENERAL ASSEMBLY TO REDUCE THE OVERALL
6 GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD AND BEVERAGES
7 PURCHASED BY STATE PROCUREMENT UNITS BY 25% ON OR BEFORE JUNE 30, 2030,
8 AS MEASURED IN RELATION TO THE BASELINE MEASUREMENT ESTABLISHED UNDER
9 SUBSECTION (A)(2) OF THIS SECTION.

10 (C) ON OR BEFORE OCTOBER 1, ~~2024~~ 2025, AND EACH OCTOBER 1
11 THEREAFTER, EACH UNIT SHALL REPORT TO THE MARYLAND GREEN PURCHASING
12 COMMITTEE ON THE UNIT'S PROGRESS IN REDUCING THE GREENHOUSE GAS
13 EMISSIONS ASSOCIATED WITH FOOD AND BEVERAGES PROCURED BY THE UNIT
14 DURING THE IMMEDIATELY PRECEDING FISCAL YEAR IN A FORMAT SET BY THE
15 COMMITTEE AND CONSISTENT WITH THE METHODOLOGY ESTABLISHED UNDER
16 SUBSECTION (A)(1) OF THIS SECTION.

17 (D) ON OR BEFORE DECEMBER 31, ~~2024~~ 2025, AND EACH DECEMBER 31
18 THEREAFTER, THE MARYLAND GREEN PURCHASING COMMITTEE SHALL REPORT
19 TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE
20 GOVERNMENT ARTICLE, ON:

21 (1) AN UPDATE ON THE OVERALL PROGRESS OF THE STATE IN
22 REDUCING GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD AND BEVERAGES
23 PROCURED BY THE STATE; AND

24 (2) RECOMMENDATIONS FOR POLICY CHANGES TO FURTHER REDUCE
25 GREENHOUSE GAS EMISSIONS FROM FOOD AND BEVERAGES OR TO ACHIEVE MORE
26 QUICKLY THE REDUCTION GOALS ESTABLISHED UNDER THIS SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) On or before January 1, ~~2022~~ 2023, the Maryland Green Purchasing
29 Committee shall submit an interim report to the General Assembly, in accordance with §
30 2-1257 of the State Government Article, on the progress of developing strategies and policy
31 recommendations required under § 14-410.1(a)(3) of the State Finance and Procurement
32 Article, as enacted by Section 1 of this Act.

33 (b) On or before October 1, ~~2022~~ 2023, the Maryland Green Purchasing
34 Committee shall submit a final report to the General Assembly, in accordance with §
35 2-1257 of the State Government Article, on strategies and policy recommendations
36 required under § 14-410.1(a)(3) of the State Finance and Procurement Article, as enacted
37 by Section 1 of this Act, including any recommendations for legislation.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the catchline contained in
2 this Act is not law and may not be considered to have been enacted as part of this Act.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2021. It shall remain effective for a period of 10 years and 6 months and, at the end of
5 December 31, 2031, this Act, with no further action required by the General Assembly, shall
6 be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.