

HOUSE BILL 317

P2, M3
HB 772/20 – HGO

(PRE-FILED)

1lr1132

By: **Delegate Gilchrist**

Requested: October 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

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; establishing a certain goal of the
11 General Assembly to reduce overall greenhouse gas emissions by a certain
12 percentage on or before a certain date; requiring each unit to report certain
13 information to the Committee on or before a certain date each year; requiring the
14 Committee to report certain information to the General Assembly on or before a
15 certain date each year; requiring the Committee to submit certain interim and final
16 reports to the General Assembly on or before certain dates; applying certain
17 provisions of this Act to the University System of Maryland; providing that a certain
18 catchline is not law and may not be considered to have been enacted as part of this
19 Act; providing for the termination of this Act; and generally relating to procurement
20 of food and beverages.

21 BY repealing and reenacting, without amendments,
22 Article – State Finance and Procurement
23 Section 11–203(e)(1), (2), and (7)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2020 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – State Finance and Procurement
28 Section 11–203(e)(5)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2020 Supplement)

3 BY adding to
4 Article – State Finance and Procurement
5 Section 14–410.1
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2020 Supplement)

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

10 **Article – State Finance and Procurement**

11 11–203.

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

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

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

- 19 1. § 11–205 of this subtitle (“Collusion”);
- 20 2. § 11–205.1 of this subtitle (“Falsification, concealment,
21 etc., of material facts”);
- 22 3. § 13–219 of this article (“Required clauses
23 – Nondiscrimination clause”);
- 24 4. § 13–225 of this article (“Retainage”);
- 25 5. Title 14, Subtitle 3 of this article (“Minority Business
26 Participation”);
- 27 **6. § 14–410.1 OF THIS ARTICLE (“GREENHOUSE GAS
28 EMISSIONS IN FOOD AND BEVERAGES”);**

29 **[6.] 7.** Title 15, Subtitle 1 of this article (“Procurement Contract
30 Administration”);

31 **[7.] 8.** § 15–226 of this article (“Policy established; timing of
32 payments; notice upon nonpayment; disputes; appeals”); and

1 [8.] 9. Title 16 of this article (“Suspension and Debarment of
2 Contractors”).

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

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

7 (i) procurement by a University from:

- 8 1. another unit;
- 9 2. a political subdivision of the State;
- 10 3. an agency of a political subdivision of the State;
- 11 4. a government, including the government of another state,
12 of the United States, or of another country;
- 13 5. an agency or political subdivision of a government; or
- 14 6. a bistate, multistate, bicounty, or multicounty
15 governmental agency;

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

- 18 1. direct resale;
- 19 2. remanufacture and subsequent resale; or
- 20 3. procurement by the University for overseas programs; or

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

22 1. services of managers to invest, in accordance with the
23 management and investment policies adopted by the Board of Regents of the University
24 System of Maryland, gift and endowment assets received by the University System of
25 Maryland in accordance with § 12–104(e) of the Education Article; or

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

1 **14-410.1. GREENHOUSE GAS EMISSIONS IN FOOD AND BEVERAGES.**

2 (A) TO TRACK THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD
3 AND BEVERAGE PURCHASES MADE BY STATE AGENCIES, THE MARYLAND GREEN
4 PURCHASING COMMITTEE ESTABLISHED UNDER § 14-410 OF THIS SUBTITLE, IN
5 CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, THE
6 DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF GENERAL SERVICES, AND
7 OTHER STAKEHOLDERS, SHALL:

8 (1) ON OR BEFORE JANUARY 1, 2022, DEVELOP A METHODOLOGY FOR
9 A UNIT TO ESTIMATE, TO THE EXTENT PRACTICABLE, THE GREENHOUSE GAS
10 EMISSIONS OF FOOD AND BEVERAGES PURCHASED BY THE UNIT, INCLUDING
11 THIRD-PARTY VENDORS THAT PROVIDE FOOD ON BEHALF OF THE UNIT;

12 (2) ON OR BEFORE JANUARY 1, 2023, ESTABLISH A BASELINE
13 MEASUREMENT OF THE OVERALL ANNUAL GREENHOUSE GAS EMISSIONS
14 ASSOCIATED WITH THE STATE'S FOOD AND BEVERAGE PURCHASES; AND

15 (3) DEVELOP STRATEGIES AND POLICY RECOMMENDATIONS,
16 INCLUDING ANY APPROPRIATE INTERIM GREENHOUSE GAS REDUCTION GOALS, FOR
17 UNITS TO REDUCE THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD
18 PURCHASED BY THE UNIT WITH THE GOAL OF REDUCING OVERALL GREENHOUSE
19 GAS EMISSIONS AS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

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

25 (C) ON OR BEFORE OCTOBER 1, 2024, AND EACH OCTOBER 1 THEREAFTER,
26 EACH UNIT SHALL REPORT TO THE MARYLAND GREEN PURCHASING COMMITTEE
27 ON THE UNIT'S PROGRESS IN REDUCING THE GREENHOUSE GAS EMISSIONS
28 ASSOCIATED WITH FOOD AND BEVERAGES PROCURED BY THE UNIT DURING THE
29 IMMEDIATELY PRECEDING FISCAL YEAR IN A FORMAT SET BY THE COMMITTEE AND
30 CONSISTENT WITH THE METHODOLOGY ESTABLISHED UNDER SUBSECTION (A)(1) OF
31 THIS SECTION.

32 (D) ON OR BEFORE DECEMBER 31, 2024, AND EACH DECEMBER 31
33 THEREAFTER, THE MARYLAND GREEN PURCHASING COMMITTEE SHALL REPORT
34 TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE
35 GOVERNMENT ARTICLE, ON:

36 (1) AN UPDATE ON THE OVERALL PROGRESS OF THE STATE IN

1 REDUCING GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD AND BEVERAGES
2 PROCURED BY THE STATE; AND

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

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

7 (a) On or before January 1, 2022, the Maryland Green Purchasing Committee
8 shall submit an interim report to the General Assembly, in accordance with § 2–1257 of the
9 State Government Article, on the progress of developing strategies and policy
10 recommendations required under § 14–410.1(a)(3) of the State Finance and Procurement
11 Article, as enacted by Section 1 of this Act.

12 (b) On or before October 1, 2022, the Maryland Green Purchasing Committee
13 shall submit a final report to the General Assembly, in accordance with § 2–1257 of the
14 State Government Article, on strategies and policy recommendations required under §
15 14–410.1(a)(3) of the State Finance and Procurement Article, as enacted by Section 1 of this
16 Act, including any recommendations for legislation.

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

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2021. It shall remain effective for a period of 10 years and 6 months and, at the end of
21 December 31, 2031, this Act, with no further action required by the General Assembly, shall
22 be abrogated and of no further force and effect.