

# SENATE BILL 782

P2, M3

3lr1948  
CF HB 586

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By: **Senator Hester**

Introduced and read first time: February 6, 2023

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Procurement – Purchasing ~~Preferences~~ – Compost, Mulch, and Soil**  
3 **Amendments and ~~Recycled~~ Aggregate**

4 FOR the purpose of requiring each unit of State government to ~~give preference to~~ include  
5 certain specifications for certain products produced from recycled or organic  
6 materials when ~~purchasing~~ establishing procurement specifications for compost,  
7 mulch, or other soil amendments or ~~recycled aggregate~~ aggregate; requiring the  
8 Maryland Green Purchasing Committee to establish certain specifications and  
9 publish and maintain the specifications online; and generally relating to the  
10 procurement of compost, mulch, and soil amendments ~~or recycled aggregate~~ or  
11 aggregate.

12 BY repealing and reenacting, with amendments,  
13 Article – State Finance and Procurement  
14 Section 14–409  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2022 Supplement)

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

19 **Article – State Finance and Procurement**

20 14–409.

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

3 ~~(2) "AGGREGATE" MEANS GRAVEL, CRUSHED STONE, SAND, AND~~  
 4 ~~OTHER SIMILAR MATERIALS.~~

5 ~~(3) "PREFERENCE" MEANS:~~

6 ~~(I) A PERCENTAGE PRICE PREFERENCE; AND~~

7 ~~(II) ANY OTHER PROVISION THAT FAVORS PRODUCTS~~  
 8 ~~PRODUCED FROM RECYCLED OR ORGANIC MATERIALS IN ACCORDANCE WITH THIS~~  
 9 ~~SECTION.~~

10 (A) IN THIS SECTION, "AGGREGATE" MEANS GRAVEL, CRUSHED STONE,  
 11 SAND, AND OTHER SIMILAR MATERIALS.

12 [(a)] (B) A State or local unit responsible for the maintenance of public lands in  
 13 the State, to the maximum extent practicable, shall give consideration and preference to  
 14 the use of compost in any land maintenance activity that is to be paid for with public funds.

15 [(b)] (C) It is the goal of the Department of General Services to:

16 (1) compost, to the extent practicable, all landscape waste on State  
 17 property that is under its operation for use as fertilizer in landscaping activities; and

18 (2) increase the percentage of landscaped area fertilized by compost each  
 19 year.

20 (D) (1) IN PURCHASING COMPOST, MULCH, OR OTHER SOIL AMENDMENTS  
 21 OR AGGREGATE OR RECYCLED AGGREGATE, EACH UNIT OF STATE GOVERNMENT  
 22 SHALL GIVE PREFERENCE TO PRODUCTS PRODUCED FROM MUNICIPAL SOLID  
 23 WASTE, FOOD WASTE, SLUDGE, YARD WASTE, CLEAN WOOD WASTE, OR OTHER  
 24 RECYCLED OR ORGANIC MATERIALS, PROVIDED THAT INCLUDE IN ITS  
 25 PROCUREMENT SPECIFICATIONS THE SPECIFICATIONS PUBLISHED BY THE  
 26 MARYLAND GREEN PURCHASING COMMITTEE FOR COMPOST, MULCH, OR OTHER  
 27 SOIL AMENDMENTS OR AGGREGATE UNDER PARAGRAPH (3) OF THIS SUBSECTION.

28 (2) THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION  
 29 APPLY IF:

30 (I) THE PRODUCTS ARE COMPETITIVELY PRICED; AND

31 (II) THE QUALITY OF THE PRODUCTS IS SATISFACTORY FOR THE  
 32 INTENDED PURPOSES; AND

1 (III) THE PRODUCTS ARE READILY AVAILABLE.

2 ~~(2) (i) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A~~  
3 ~~PRODUCT SHALL BE CONSIDERED TO BE COMPETITIVELY PRICED FOR PURPOSES OF~~  
4 ~~THIS SUBSECTION IF THE PRICE OF THE PRODUCT IS NOT MORE THAN 10% ABOVE~~  
5 ~~THE PRICE OF A COMPARABLE PRODUCT MANUFACTURED FROM VIRGIN~~  
6 ~~MATERIALS.~~

7 ~~(ii) IF THE MARYLAND GREEN PURCHASING COMMITTEE~~  
8 ~~DETERMINES THAT A 15% PRICE DIFFERENTIAL IS IN THE BEST INTEREST OF THE~~  
9 ~~STATE, A PRODUCT MAY BE CONSIDERED TO BE COMPETITIVELY PRICED FOR~~  
10 ~~PURPOSES OF THIS SUBSECTION IF THE PRICE OF THE PRODUCT IS NOT MORE THAN~~  
11 ~~15% ABOVE THE PRICE OF A COMPARABLE PRODUCT MANUFACTURED FROM VIRGIN~~  
12 ~~MATERIALS.~~

13 (3) (i) THE MARYLAND GREEN PURCHASING COMMITTEE,  
14 ESTABLISHED UNDER § 14-410 OF THIS SUBTITLE, SHALL ESTABLISH  
15 SPECIFICATIONS FOR PURCHASING OF COMPOST, MULCH, OR OTHER SOIL  
16 AMENDMENTS OR AGGREGATE PRODUCED FROM MUNICIPAL SOLID WASTE, FOOD  
17 WASTE, DREDGED MATERIAL, CONSTRUCTION WASTE, YARD WASTE, CLEAN WOOD  
18 WASTE, OR OTHER RECYCLED OR ORGANIC MATERIALS.

19 (ii) THE SPECIFICATIONS ESTABLISHED UNDER  
20 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE PUBLISHED AND MAINTAINED  
21 ONLINE BY THE MARYLAND GREEN PURCHASING COMMITTEE FOR USE BY STATE  
22 AGENCIES.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.