

Chapter 170

(House Bill 586)

AN ACT concerning

State Procurement – Purchasing ~~Preferences~~ – Compost, Mulch, and Soil Amendments and Aggregate

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

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

14–409.

~~(a) IN THIS SECTION, “PREFERENCE” MEANS:~~

~~(1) A PERCENTAGE PRICE PREFERENCE; AND~~

~~(2) ANY OTHER PROVISION THAT FAVORS PRODUCTS PRODUCED FROM ORGANIC MATERIALS IN ACCORDANCE WITH THIS SECTION.~~

(A) IN THIS SECTION, “AGGREGATE” MEANS GRAVEL, CRUSHED STONE, SAND, AND OTHER SIMILAR MATERIALS.

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

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

- (1) compost, to the extent practicable, all landscape waste on State property that is under its operation for use as fertilizer in landscaping activities; and
- (2) increase the percentage of landscaped area fertilized by compost each year.

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

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

- (I) THE PRODUCTS ARE COMPETITIVELY PRICED; ~~AND~~**
- (II) THE QUALITY OF THE PRODUCTS IS SATISFACTORY FOR THE INTENDED PURPOSES; AND**
- (III) THE PRODUCTS ARE READILY AVAILABLE.**

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

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

(3) (I) THE MARYLAND GREEN PURCHASING COMMITTEE, ESTABLISHED UNDER § 14-410 OF THIS SUBTITLE, SHALL ESTABLISH SPECIFICATIONS FOR PURCHASING OF COMPOST, MULCH, OR OTHER SOIL AMENDMENTS OR AGGREGATE PRODUCED FROM MUNICIPAL SOLID WASTE, FOOD

WASTE, DREDGED MATERIAL, CONSTRUCTION WASTE, YARD WASTE, CLEAN WOOD WASTE, OR OTHER RECYCLED OR ORGANIC MATERIALS.

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

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

Approved by the Governor, April 24, 2023.