

HOUSE BILL 772

P2, M3

0lr1707
CF SB 478

By: **Delegates Gilchrist, Bagnall, B. Barnes, Barron, Cain, Carr, Cullison, Fraser-Hidalgo, Guyton, Haynes, Ivey, Jalisi, Kelly, Korman, R. Lewis, Lierman, Lisanti, Lopez, Love, Moon, Palakovich Carr, Reznik, Shetty, Solomon, Stein, Stewart, Valderrama, and Wilkins**

Introduced and read first time: January 31, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the Maryland Green Purchasing Committee to develop on or
5 before a certain date a certain methodology, in consultation with the Department of
6 the Environment and the Department of General Services, for a unit to estimate
7 greenhouse gas emissions that occur through the life cycle of certain food; requiring
8 the Committee to establish on or before a certain date a certain baseline
9 measurement; requiring the Committee, in consultation with the Department of the
10 Environment, to establish best practices for units to reduce certain greenhouse gas
11 emissions; requiring each unit to give consideration and preference to certain foods
12 and procurement practices; establishing certain goals of the Department of General
13 Services to reduce overall greenhouse gas emissions according to a certain reduction
14 schedule; requiring each unit to report certain information to the Committee on or
15 before a certain date each year; requiring the Committee to include certain
16 information in its annual report starting with a certain report; 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 foods.

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 2019 Supplement)

26 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Finance and Procurement
 2 Section 11–203(e)(5)
 3 Annotated Code of Maryland
 4 (2015 Replacement Volume and 2019 Supplement)

5 BY adding to
 6 Article – State Finance and Procurement
 7 Section 14–410.1
 8 Annotated Code of Maryland
 9 (2015 Replacement Volume and 2019 Supplement)

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

12 **Article – State Finance and Procurement**

13 11–203.

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

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

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

- 21 1. § 11–205 of this subtitle (“Collusion”);
- 22 2. § 11–205.1 of this subtitle (“Falsification, concealment,
 23 etc., of material facts”);
- 24 3. § 13–219 of this article (“Required clauses
 25 – Nondiscrimination clause”);
- 26 4. § 13–225 of this article (“Retainage”);
- 27 5. Title 14, Subtitle 3 of this article (“Minority Business
 28 Participation”);
- 29 6. § 14–410.1 OF THIS ARTICLE (“GREENHOUSE GAS
 30 EMISSIONS IN FOODS”);
- 31 [6.] 7. Title 15, Subtitle 1 of this article (“Procurement Contract
 32 Administration”);

1 [7.] 8. § 15–226 of this article (“Policy established; timing of
2 payments; notice upon nonpayment; disputes; appeals”); and

3 [8.] 9. Title 16 of this article (“Suspension and Debarment of
4 Contractors”).

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

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

9 (i) procurement by a University from:

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

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

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

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

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

28 2. expenditures to manage, maintain, and enhance, in
29 accordance with the management and investment policies adopted by the Board of Regents
30 of the University System of Maryland, the value of gift and endowment assets received by

1 the University System of Maryland in accordance with § 12–104(e) of the Education Article.

2 **14–410.1. GREENHOUSE GAS EMISSIONS IN FOODS.**

3 **(A) TO TRACK THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD**
4 **PURCHASES MADE BY STATE AGENCIES, THE MARYLAND GREEN PURCHASING**
5 **COMMITTEE ESTABLISHED UNDER § 14–410 OF THIS SUBTITLE SHALL:**

6 **(1) ON OR BEFORE JANUARY 1, 2022, IN CONSULTATION WITH THE**
7 **DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF GENERAL**
8 **SERVICES, DEVELOP A METHODOLOGY FOR A UNIT TO ESTIMATE, TO THE EXTENT**
9 **PRACTICABLE, THE GREENHOUSE GAS EMISSIONS THAT OCCUR THROUGH THE LIFE**
10 **CYCLE OF ALL FOOD PURCHASED BY THE UNIT, INCLUDING THIRD–PARTY VENDORS**
11 **THAT PROVIDE FOOD ON BEHALF OF THE UNIT, THAT:**

12 **(I) WILL ENABLE A UNIT TO RELIABLY TRACK CHANGES IN ITS**
13 **FOOD–RELATED GREENHOUSE GAS EMISSIONS OVER TIME AND DEMONSTRATE**
14 **REDUCTIONS IN GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD PURCHASED**
15 **BY THE UNIT;**

16 **(II) MAY ALLOW A UNIT TO EXCLUDE FROM THE TRACKING**
17 **METHOD FOOD PROCUREMENTS THAT DO NOT EXCEED \$15,000; AND**

18 **(III) CONSIDERS THE COSTS AND FEASIBILITY OF**
19 **IMPLEMENTING THE TRACKING METHOD;**

20 **(2) ON OR BEFORE JANUARY 1, 2023, ESTABLISH A BASELINE**
21 **MEASUREMENT OF THE OVERALL ANNUAL GREENHOUSE GAS EMISSIONS**
22 **ASSOCIATED WITH THE STATE’S FOOD PURCHASES; AND**

23 **(3) IN CONSULTATION WITH THE DEPARTMENT OF THE**
24 **ENVIRONMENT, ESTABLISH BEST PRACTICES FOR UNITS TO REDUCE THE**
25 **GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD PURCHASED BY THE UNIT**
26 **WITH THE GOAL OF REDUCING OVERALL GREENHOUSE GAS EMISSIONS AS**
27 **ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING**
28 **RECOMMENDATIONS FOR REDUCING FOOD WASTE AND FOR PROCURING FOODS**
29 **GROWN OR RAISED USING HEALTHY SOILS, AS DEFINED UNDER § 2–1901 OF THE**
30 **AGRICULTURE ARTICLE.**

31 **(B) EACH UNIT SHALL GIVE CONSIDERATION AND PREFERENCE TO FOODS**
32 **AND PROCUREMENT PRACTICES THAT WILL ACHIEVE THE GOAL OF REDUCING THE**
33 **GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD PURCHASED BY THE UNIT.**

1 **(C) IT IS THE GOAL OF THE DEPARTMENT OF GENERAL SERVICES TO**
2 **REDUCE THE OVERALL GREENHOUSE GAS EMISSIONS ASSOCIATED WITH FOOD**
3 **PURCHASED BY STATE PROCUREMENT UNITS ACCORDING TO THE FOLLOWING**
4 **REDUCTION SCHEDULE AS MEASURED IN RELATION TO THE BASELINE**
5 **MEASUREMENT ESTABLISHED UNDER SUBSECTION (A)(2) OF THIS SECTION:**

6 **(1) FOR FISCAL YEAR 2024, A 10% REDUCTION;**

7 **(2) FOR FISCAL YEAR 2027, AN 18% REDUCTION; AND**

8 **(3) FOR FISCAL YEAR 2030, A 25% REDUCTION.**

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

16 **(E) BEGINNING WITH THE ANNUAL REPORT SUBMITTED IN 2024 AS**
17 **REQUIRED UNDER § 14-410(E) OF THIS SUBTITLE, THE MARYLAND GREEN**
18 **PURCHASING COMMITTEE SHALL INCLUDE IN ITS ANNUAL REPORT:**

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

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

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2020. It shall remain effective for a period of 10 years and 6 months and, at the end of
29 December 31, 2030, this Act, with no further action required by the General Assembly, shall
30 be abrogated and of no further force and effect.