

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Koutoujian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act promoting better health in public schools through improved contracting with farms in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter J. Koutoujian	10th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROMOTING BETTER HEALTH IN PUBLIC SCHOOLS THROUGH IMPROVED CONTRACTING WITH FARMS IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 7 of the General Laws is hereby amended by striking out section
2 23B, as appearing in the 2006 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the extent
5 permitted by federal law, a state agency or authority, or the trustees or officers of a state college
6 designated by them when purchasing products of agriculture as defined in section 1A of chapter
7 128, including but not limited to, fruits, vegetables, eggs, dairy products, meats, crops,
8 horticultural products or products processed into value added products as part of a Massachusetts
9 farm operation, shall prefer products grown in the commonwealth or products produced using
10 products grown in the commonwealth as well as fish, seafood, and other aquatic products.

11 (b) To effectuate the preference for those products of agriculture grown or produced using
12 locally grown products, the state purchasing agent responsible for procuring the products on
13 behalf of a state agency or authority, or the trustees or officers of a state college designated by
14 them shall: (1) in advertising for bids, contracts or otherwise procuring products of agriculture,
15 make reasonable efforts to facilitate the purchase of such products of agriculture grown or
16 produced using products grown in the commonwealth; and (2) purchase the products of
17 agriculture grown or produced using products grown in the commonwealth, unless the price of
18 the goods exceeds, by more than 10 per cent, the price of products of agriculture grown or
19 produced using products grown outside of the commonwealth.

20 SECTION 2. Section 4 of chapter 32B is hereby amended by striking out subsection (d), as so
21 appearing, and inserting in place thereof the subsection:-

22 (d) A procurement officer may award a contract valued at less than \$50,000 for the procurement
23 of products of agriculture as defined in section 1A of chapter 128 including, but not limited to,
24 fruits, vegetables, eggs, dairy products, meats, crops, horticultural products and products
25 processed into value added products as part of a Massachusetts farm operation, that are grown or
26 produced using products grown in the commonwealth as well as fish, seafood and other aquatic
27 products, without seeking quotations as required under subsection (a), and the officer shall
28 follow generally accepted business practices.