

HOUSE No. 2107

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
John W. Scibak	2nd Hampshire
Denise Provost	27th Middlesex
Bruce E. Tarr	First Essex and Middlesex
James B. Eldridge	Middlesex and Worcester
Mary E. Grant	6th Essex
Carl M. Sciortino, Jr.	34th Middlesex
Christine E. Canavan	10th Plymouth
Jennifer M. Callahan	18th Worcester
Robert P. Spellane	13th Worcester
John P. Fresolo	16th Worcester
Paul McMurtry	11th Norfolk
Lori Ehrlich	8th Essex
Thomas P. Conroy	13th Middlesex
Stephen Kulik	1st Franklin

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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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:

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

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

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

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

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