

SENATE NO. 1897

AN ACT PROMOTING THE PURCHASE OF MASSACHUSETTS AGRICULTURAL PRODUCTS

*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 inserting after
2 section 23A the following section:-

3 Section 23B. (a) Notwithstanding sections 22 to 23A, inclusive, and to the extent
4 permitted by federal law, a state agency or a state authority may, when purchasing agricultural
5 products, including but not limited to fruits, vegetables, eggs, dairy products and crops, make a
6 preference for such products produced or harvested in the commonwealth, all other
7 considerations being equal.

8 (b) Where a state agency or state authority makes a preference for agricultural products
9 produced or harvested in the commonwealth, the state purchasing agent responsible for
10 procuring such agricultural products on behalf of the state agency or state authority shall
11 effectuate such preference unless the agent determines that:

12 (1) procurement of agricultural products produced or harvested outside of the
13 commonwealth is essential;

14 (2) an agricultural product is not produced, harvested or otherwise available from any
15 producer in the commonwealth at the time of the procurement; or

16 (3) compliance with this section would eliminate the only bid or offer of an agricultural
17 product or would result in inadequate competition.

18 SECTION 2. Chapter 30B of the General Laws is hereby amended by inserting after
19 section 19 the following section:-

20 SECTION 20. (a) Notwithstanding sections 1 to 19, inclusive, and to the extent
21 permitted by federal law, a government body may, by a majority vote, make a preference for
22 agricultural products, including but not limited to fruits, vegetables, eggs, dairy products and
23 crops, produced or harvested in the commonwealth when procuring such products pursuant to
24 its authority, all other considerations being equal.

25 (b) Where a government body by a majority vote makes a preference for the
26 procurement of agricultural products produced or harvested in the commonwealth, the chief
27 procurement officer or procurement officer responsible for procuring such agricultural products
28 on behalf of the government body shall effectuate such preference unless the officer determines
29 that:

30 (1) procurement of agricultural products produced or harvested outside of the
31 commonwealth is essential;

32 (2) an agricultural product is not produced, harvested or otherwise available from any
33 producer in the commonwealth at the time of the procurement; or

34 (3) compliance with this section would eliminate the only bid or offer of an agricultural
35 product or would result in inadequate competition.