

# HOUSE . . . . . No. 2107

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## The Commonwealth of Massachusetts

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In the Year Two Thousand 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:*

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  
5   extent permitted by federal law, a state agency or authority, or the trustees or officers of a state  
6   college designated by them when purchasing products of agriculture as defined in section 1A of  
7   chapter 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  
12   using locally grown products, the state purchasing agent responsible for procuring the products  
13   on 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),  
21 as so 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  
23 procurement of products of agriculture as defined in section 1A of chapter 128 including, but not  
24 limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products and  
25 products processed into value added products as part of a Massachusetts farm operation, that are  
26 grown or produced using products grown in the commonwealth as well as fish, seafood and other  
27 aquatic products, without seeking quotations as required under subsection (a), and the officer  
28 shall follow generally accepted business practices.