

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

Article - Correctional Services

3-516.

(a) Except as authorized under subsection (b) of this section, goods and services of Maryland Correctional Enterprises may not be sold on the open market.

(b) Goods and services of Maryland Correctional Enterprises may be sold on the open market:

(1) if they are produced or provided by an individual on parole or in a work release program;

(2) if the sale is made to a charitable, civic, educational, fraternal, or religious agency, association, or institution for its own use and not for resale within 1 year of the purchase;

(3) to a person for national defense purposes if not prohibited by an act of Congress;

(4) if they are surplus goods remaining after meeting the forecasted requirements of units of State government and political subdivisions and the goods remain unsold 1 year after being produced;

(5) for use by a contractor or subcontractor in performance of a contract with a unit of State government or any other governmental unit in the State; [or]

(6) as allowed under the Private Sector/Prison Industry Enhancement Certification Program of the United States Department of Justice, Bureau of Justice Assistance; OR

(7) IF THEY ARE RELATED TO THE PREPARATION OR DISTRIBUTION OF FOOD OR SERVICES RELATED TO AGRICULTURE OR SEAFOOD PROCESSING, WHEN THE FOLLOWING CONDITIONS ARE MET:

(I) THE STATE LABOR POOLS ARE DIMINISHED; AND

(II) IT HAS BEEN DETERMINED THAT INMATE LABOR IS THE AVAILABLE SOURCE.

(C) (1) THE SECRETARY AND THE SECRETARY OF LABOR, LICENSING, AND REGULATION SHALL ADOPT REGULATIONS THAT SPECIFY HOW TO DETERMINE THE NEED FOR INMATE LABOR UNDER SUBSECTION (B)(7) OF THIS SECTION.

(2) WAGES PAID TO INMATES UNDER SUBSECTION (B)(7) OF THIS SECTION MAY NOT BE LESS THAN WAGES PAID FOR SIMILAR WORK IN THE PRIVATE SECTOR OF THE SAME LOCALITY AS DETERMINED BY THE SECRETARY OF LABOR, LICENSING, AND REGULATION.