

(2001 Replacement Volume and 2004 Supplement)

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

**Article - State Finance and Procurement**

14-405.

(a) (1) In this section the following words have the meanings indicated.

(2) "ENVIRONMENTALLY PREFERABLE PRODUCTS OR EQUIPMENT" MEANS PRODUCTS, INCLUDING SUPPLIES, AND EQUIPMENT MANUFACTURED AND DESIGNED FOR UTILIZATION IN ACCORDANCE WITH A BROAD RANGE OF MEASURES THAT PREVENT OR MINIMIZE ENVIRONMENTAL DEGRADATION, INCLUDING:

(I) RECYCLING;

(II) RESOURCE CONSERVATION;

(III) SOURCE REDUCTION;

(IV) USE OF COMPONENTS THAT ARE FREE OF TOXIC OR DEGRADING AGENTS OR CONTAIN THE LEAST AMOUNT OF TOXIC OR DEGRADING AGENTS NECESSARY TO MEET APPLICABLE JOB SPECIFICATIONS;

(V) USE OF INNOVATIVE TECHNOLOGY;

(VI) USE OF RENEWABLE RESOURCES; AND

(VII) WASTE MINIMIZATION.

(3) (i) "Recycled materials" means material recovered from or otherwise destined for the waste stream.

(ii) "Recycled materials" includes post-consumer material, industrial scrap material, compost, processed and pasteurized chicken litter, and obsolete inventories.

[(3)](4) "Percentage price preference" means the percent by which a responsive bid from a responsible bidder whose product IS AN ENVIRONMENTALLY PREFERABLE PRODUCT OR EQUIPMENT OR contains recycled materials may exceed the lowest responsive bid submitted by a responsible bidder whose products ARE NOT ENVIRONMENTALLY PREFERABLE PRODUCTS OR EQUIPMENT OR do not contain recycled materials.

(b) [No later than January 1, 1994, the] THE Board shall adopt regulations that require the Secretary of General Services, the Secretary of Transportation, and the Chancellor of the University System of Maryland to establish a percentage price preference, not to exceed 5%, for the purchase of ENVIRONMENTALLY PREFERABLE PRODUCTS OR EQUIPMENT AND products made from recycled materials.

(c) A percentage price preference under this section may not be used in conjunction with any other percentage price preference established under this title.