

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

Senate Bill 290

(Chair, Education, Energy, and the Environment  
Committee)(By Request - Departmental - Agriculture)

Education, Energy, and the Environment

Health and Government Operations

---

**Certified Local Farm and Fish Program - Annual Waiver Reports - Alterations**

---

This departmental bill alters annual reporting deadlines related to waivers granted under the Certified Local Farm and Fish Program. The deadline for the Maryland Department of Agriculture (MDA) to submit a report to the Board of Public Works (BPW) on waivers requested and waivers granted is altered from July 31 to October 31 of each year. In addition, the deadline for BPW to submit a record of each waiver requested to the General Assembly is altered from October 1 to December 31 each year.

---

**Fiscal Summary**

**State Effect:** None. The bill is procedural in nature and has no direct effect on governmental finances.

**Local Effect:** None.

**Small Business Effect:** MDA has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

---

**Analysis**

**Current Law:** Chapters 2 and 32 of 2021 established the Certified Local Farm Enterprise Program and office in MDA to encourage State agencies (including public four-year universities) to achieve an overall goal of purchasing 20% of food from certified local farm enterprises. Chapters 575 and 576 of 2023 added certified Chesapeake invasive species providers to the calculation of the 20% goal as well as to certification requirements and grant-making opportunities.

Each State agency must structure its procurement procedures to try to achieve an overall percentage goal of 20% of its total dollar value of procurement contracts for food being made directly or indirectly to certified local farms and certified Chesapeake invasive species providers. An agency may achieve the goal through competitive sealed bids and proposals and small procurements under terms in current law.

The Office for the Certified Local Farm and Fish Program within MDA administers the program. If an agency does not achieve the goal set for a specific contract, it must demonstrate to the office that it took all necessary and reasonable steps to achieve the goal. The office may grant a waiver if a unit provides a reasonable demonstration of good faith efforts to achieve the goal. Waivers may also be granted for sole source, expedited, or emergency procurements. The office must submit an annual report to BPW by July 31 of each year with specified information about waivers requested and granted. BPW must keep a record of waivers requested and submit a copy to specified committees of the General Assembly by October 1 of each year.

**Background:** MDA advises that food purchase reports from State agencies and universities are due by September 30, each year, so it is not possible to prepare the waiver report for BPW by July 31. Moving the reporting date to October 31 makes the reporting process more efficient.

---

### Additional Information

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture; Board of Public Works; Department of Legislative Services

**Fiscal Note History:** km/ljm  
First Reader - January 12, 2024  
Third Reader - March 22, 2024  
Revised - Amendment(s) - March 22, 2024  
Revised - Clarification - April 1, 2024  
Enrolled - April 17, 2024  
Revised - Amendment(s) - April 17, 2024

---

Analysis by: Michael C. Rubenstein

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Certified Local Farm and Fish Program - Annual Waiver Reports - Alterations

BILL NUMBER: SB0290

PREPARED BY: Thomas Filbert, Rachel Jones, and Karen Fedor

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

**OR**

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

This bill has no economic impact. It only alters a reporting deadline.