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AB-822 Institutional purchasers: sale of California produce. (2017-2018)

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Assembly Bill No. 822

CHAPTER 785

An act to add Chapter 7 (commencing with Section 58595) to Part 1 of Division 21 of the Food and Agricultural Code, and to amend Sections 4330 and 4331 of the Government Code, relating to institutional purchasers of agricultural products.

[Approved by Governor October 14, 2017. Filed with Secretary of State October 14, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 822, Caballero. Institutional purchasers: sale of California produce.

Under existing law, price, fitness, and quality being equal, any body, officer, or other person charged with the purchase, or permitted or authorized to purchase supplies for the use of the state, or of any of its institutions or offices, or for the use of any county or city, is required to always prefer supplies, defined to include produce, that are grown, manufactured, or produced in the state, and is required to next prefer supplies partially manufactured, grown, or produced in the state.

This bill would remove produce grown or partially grown in the state from this requirement. The bill would require all California state-owned or state-run institutions, except public universities and colleges and school districts, to purchase agricultural products grown in California when the bid or price of the California-grown agricultural product does not exceed by more than 5% the lowest bid or price for an agricultural product produced outside the state and the quality of the produce is comparable. This bill would also require the institutions, when they solicit or intend to accept a bid or price for agricultural products grown outside the state, to accept the bid or price from a vendor that packs or processes these agricultural products in the state before accepting a bid or price from a vendor that packs or processes these agricultural products outside of the state when specified conditions are met. This bill would require a school district that solicits bids for the purchase of an agricultural product to accept a bid or price for that agricultural product when it is grown in California before accepting a bid or price for an agricultural product that is grown outside the state when the bid or price of the California-grown agricultural product does not exceed the lowest bid or price for an agricultural product produced outside the state and the quality of the produce is comparable.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Choose California Produce Act.

SEC. 2. Chapter 7 (commencing with Section 58595) is added to Part 1 of Division 21 of the Food and Agricultural Code, to read:

CHAPTER 7. Institutional Purchasers of Agricultural Products

58595. (a) All California state-owned or state-run institutions, except public universities and colleges and school districts, that solicit bids for the purchase of an agricultural product shall accept a bid or price for that agricultural product when it is grown in California before accepting a bid or price for an agricultural product that is grown outside the state, when both of the following are met:

(1) The bid or price of the California-grown agricultural product does not exceed by more than 5 percent the lowest bid or price for an agricultural product produced outside the state.

(2) The quality of the California-grown agricultural product is comparable to that agricultural produce produced outside the state.

(b) All California state-owned or state-run institutions, except public universities and colleges and school districts, that intend to accept a bid or price for agricultural products grown outside the state shall accept the bid or price from a vendor that packs or processes these agricultural products in the state before accepting a bid or price from a vendor that packs or processes these agricultural products outside of the state, when both of the following are met:

(1) The bid or price of the agricultural product grown outside the state and packed or processed in the state does not exceed by more than 5 percent the lowest bid or price for the agricultural product packed or processed outside the state.

(2) The quality of the agricultural product packed or processed in the state is comparable to those packed or processed outside the state.

(c) A school district that solicits bids for the purchase of an agricultural product shall accept a bid or price for that agricultural product when it is grown in California before accepting a bid or price for an agricultural product that is grown outside the state, when both of the following are met:

(1) The bid or price of the California-grown agricultural product does not exceed the lowest bid or price for an agricultural product produced outside the state.

(2) The quality of the California-grown agricultural product is comparable to that agricultural produce produced outside the state.

(d) This section shall only apply to a contract to purchase agricultural products for a value that is less than the value of the threshold for supplies and services for which California has obligated itself under the Agreement on Government Procurement of the World Trade Organization.

SEC. 3. Section 4330 of the Government Code is amended to read:

4330. As used in this article, "supplies" includes goods, wares, merchandise, and manufactures.

SEC. 4. Section 4331 of the Government Code is amended to read:

4331. Price, fitness, and quality being equal, any body, officer, or other person charged with the purchase, or permitted or authorized to purchase supplies for the use of the state, or of any of its institutions or offices, or for the use of any county or city shall always prefer supplies manufactured or produced in the state, and shall next prefer supplies partially manufactured or produced in the state.