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**HOUSE BILL NO. 423**

Offered January 13, 2010

Prefiled January 12, 2010

*A BILL to amend and reenact §§ 2.2-1111, 2.2-4345, and 22.1-79.3 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 2 of Title 2.2 a section numbered 2.2-214.2, relating to food standards for agency meals.*

Patron—Hope

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1111, 2.2-4345, and 22.1-79.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 2 of Title 2.2 a section numbered 2.2-214.2 as follows:**

*§ 2.2-214.2. Secretary to develop nutritional standards for foods served by state agencies and institutions; Food Standards Task Force.*

*The Secretary shall develop, together with the Food Standards Task Force, the Food Standards for Agency Meals, to consist of nutritional standards for foods served by state agencies and institutions and recommendations for the use of Virginia-grown food products to the greatest extent possible, and shall disseminate such standards to the heads of all state agencies that purchase, prepare, or serve meals. The standards shall, at a minimum, meet federal dietary guidelines developed by the United States Department of Agriculture and the United States Secretary of Health and Human Services and shall apply to foods purchased, prepared, or served by all state agencies and institutions.*

*The Secretary shall convene a Food Standards Task Force, to consist of the heads of all state agencies and institutions that purchase, prepare, or serve food, at least one person qualified by experience as a dietician or nutritionist, and such other persons as the Secretary may deem appropriate. The Food Standards Task Force shall be responsible for developing Food Standards for Agency Meals together with the Secretary, and for reviewing and updating the Food Standards for Agency Meals at least triennially to ensure that the standards remain current and science-based.*

*As used in this section, "Virginia-grown foods" means substances and products used by humans as food and drink that are planted, cultivated, harvested, raised, or collected within Virginia.*

*§ 2.2-1111. Purchases to be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and regulations of Division; exempt purchases.*

*A. All purchases made by any department, division, officer or agency of the Commonwealth shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and such regulations as the Division may prescribe.*

*B. The regulations adopted by the Division shall:*

*1. Include a purchasing plan that shall be on file at the Division and shall be available to the public upon request;*

*2. Require that before any public body procures any computer system, equipment or software, it shall consider whether the proposed system, equipment or software is capable of producing products that facilitate the rights of the public to access official records under the Freedom of Information Act (§ 2.2-3700 et seq.) or other applicable law;*

*3. Require state public bodies to procure only shielded outdoor light fixtures and provide for waivers of this requirement when the Division determines that a bona fide operational, temporary, safety or specific aesthetic need is indicated or that such fixtures are not cost effective over the life cycle of the fixtures. For the purposes of this subdivision, "shielded outdoor light fixture" means an outdoor light fixture that is (i) fully shielded so that no light rays are emitted by the installed fixture above the horizontal plane or (ii) constructed so that no more than two percent of the total luminaire lumens in the zone of 90 to 180 degrees vertical angle is permitted, if the related output of the luminaire is greater than 3200 lumens. In adopting regulations under this subdivision, the Division shall consider national standards for outdoor lighting as adopted by the Illuminating Engineering Society of North America (IESNA).*

*For any project initiated on or after July 1, 2003, the The Virginia Department of Transportation shall design all lighting systems in accordance with current IESNA standards and recommended practices. The lighting system shall utilize fixtures that minimize glare, light trespass, and skyglow, all as defined by the IESNA, while still providing a comfortable, visually effective, safe, and secure outdoor environment in a cost-effective manner over the life cycle of the lighting system.*

INTRODUCED

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59 4. Establish the conditions under which a public body may use, as a basis for the procurement of  
60 goods and nonprofessional services, a particular vendor's contract-pricing that has been negotiated and  
61 accepted by the U.S. General Services Administration;

62 5. Establish procurement preferences for products containing recycled oil (including reprocessed and  
63 rerefined oil products) and recycled antifreeze ~~no later than December 31, 2002;~~

64 6. Establish conditions under which a public body shall demonstrate a good faith effort to ensure that  
65 state contracts or subcontracts for goods or services that involve the manual packaging of bulk supplies  
66 or the manual assemblage of goods where individual items weigh less than 50 pounds be offered to  
67 nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported  
68 employment services serving the handicapped; ~~and~~

69 7. Require that on or before October 1, 2009, and every two years thereafter, the Director of the  
70 Department of General Services shall solicit from each state agency and public institution of higher  
71 education a list of procurements falling under the Department's authority that were competed with the  
72 private sector that appear on the Commonwealth Competition Council's commercial activities list and  
73 were, until that time, being performed by each state agency and public institution of higher education  
74 during the previous two years, and the outcome of that competition. The Director shall make the lists  
75 available to the public on the Department of General Services' website; *and*

76 8. *Establish procurement procedures to ensure that foods purchased for serving by state agencies*  
77 *meet the Food Standards for State Agencies developed by the Secretary of Health and Human Resources*  
78 *together with the Food Standards Task Force, and to facilitate the purchase of Virginia-grown food*  
79 *products by state agencies and institutions to the maximum extent possible. As used in this subdivision,*  
80 *"Virginia-grown food products" means substances and products used by humans as food and drink that*  
81 *are planted, cultivated, harvested, raised, or collected within Virginia.*

82 C. The Division may make, alter, amend or repeal regulations relating to the purchase of materials,  
83 supplies, equipment, nonprofessional services, and printing, and may specifically exempt purchases  
84 below a stated amount or particular agencies or specified materials, equipment, nonprofessional services,  
85 supplies and printing.