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SENATE BILL NO. 416

Senate Amendments in [] - February 11, 2022

Prefiled January 11, 2022

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4328.2, relating to the Virginia Public Procurement Act; purchase of personal protective equipment.*

Patron Prior to Engrossment—Senator DeSteph

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-4328.2 as follows:

§ 2.2-4328.2. Purchase of personal protective equipment by state agencies.

A. Notwithstanding any provision of law to the contrary, whenever a state agency purchases personal protective equipment (PPE) for public use, such PPE shall be purchased (i) from a Virginia-based company or a manufacturer that uses materials or product components made in Virginia or the United States or (ii) when PPE is unavailable from such companies or manufacturers, from a United States-based manufacturer using materials or product components made in the United States, if available [, and shall comply with all applicable federal and international certifications and requirements for such products] .

B. If a state agency is unable to purchase PPE in accordance with subsection A, it may purchase PPE from another company or manufacturer so long as the state agency ensures that the PPE is tested by an independent laboratory to ensure compliance with all applicable federal and international certifications and requirements for such products. A state agency may purchase PPE without the need for additional independent laboratory testing if the manufacturer of such PPE provides verifiable proof of internal and independent testing by an accredited United States laboratory or testing facility at the time of purchase.

C. State agencies shall comply with the provisions of this section unless it can be demonstrated that no responsible bidder can be found.

2. That the Secretary of Commerce and Trade (the Secretary) shall establish a work group to make recommendations to the General Assembly regarding products other than personal protective equipment that state agencies should be required to purchase (i) from a Virginia-based company or a manufacturer that uses materials or product components made in Virginia or the United States or (ii) when the products are unavailable from such companies or manufacturers, from a United States-based manufacturer using materials or product components made in the United States, if available. The Secretary shall report the recommendations of the work group to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology by September 1, 2022.

ENGROSSED

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