

**ASSEMBLY BILL**

**No. 199**

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**Introduced by Assembly Member Holden**

January 29, 2013

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An act to add Chapter 7 (commencing with Section 58595) to 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.

LEGISLATIVE COUNSEL'S DIGEST

AB 199, as introduced, Holden. 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 supplies grown or partially grown in the state from this requirement and produce from the definition of supplies. This bill, the Choose California Act, would instead require agricultural products grown, or packed or processed, in California to be purchased by all California state-owned or state-run institutions, except schools or school districts, before out-of-state agricultural products, as specified. This bill would require California public schools and school districts to purchase agricultural products grown in California before those that are grown out-of-state as long as the price does not exceed the lowest bid or price for an out-of-state product.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

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

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

5  
6 CHAPTER 7. INSTITUTIONAL PURCHASERS  
7

8 58595. All California state-owned or state-run institutions,  
9 except schools or school districts, shall purchase agricultural  
10 products grown in California before those that are grown outside  
11 the state if the following criteria are met:

12 (a) The bids for providing the California grown products or the  
13 prices quoted for them do not exceed by more than 5 percent the  
14 lowest bids or prices quoted for products produced outside the  
15 state.

16 (b) If there are no California-grown agricultural products that  
17 meet the criteria in subdivision (a), then the bid shall go to a  
18 California company that packs or processes its products in the  
19 state, as long as the price quoted by the California company does  
20 not exceed by more than 5 percent the lowest bid or price quoted  
21 for out-of-state products.

22 58596. All California public schools and school districts shall  
23 purchase agricultural products grown in California before those  
24 that are grown outside the state as long as the price quoted by the  
25 California company does not exceed the lowest bid or price quoted  
26 for an out-of-state product.

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

29 4330. As used in this article, “supplies” includes goods, wares,  
30 merchandise, *and* manufactures, ~~and produce.~~

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

33 4331. Price, fitness, and quality being equal, any body, officer,  
34 or other person charged with the purchase, or permitted or  
35 authorized to purchase supplies for the use of the ~~State~~ *state*, or of

1 any of its institutions or offices, or for the use of any county or  
2 city, shall always prefer supplies ~~grown~~, manufactured, or produced  
3 in the ~~State~~ *state* , and shall next prefer supplies partially  
4 manufactured, ~~grown~~, or produced in the ~~State~~ *state*.

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