

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4
5 Approved

[S 416]

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

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

8 **§ 2.2-4328.2. Purchase of personal protective equipment by state agencies.**

9 *A. When in the course of procuring personal protective equipment for public use, a state agency*
10 *shall ensure that such equipment comply with all applicable federal and international certifications and*
11 *requirements for such equipment, and if a state agency receives three or more bids (i) from a*
12 *Virginia-based company or a manufacturer that uses materials or product components made in Virginia*
13 *or the United States or (ii) when personal protective equipment are unavailable from such companies or*
14 *manufacturers, from a United States-based manufacturer using materials or product components made*
15 *in the United States, such state agency may only select among those bids.*

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

23 *C. State agencies shall comply with the provisions of this section unless the requirements stated in*
24 *subsections A and B cannot be met.*

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

ENROLLED

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