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SENATE BILL NO. 416

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on March 4, 2022)

(Patron Prior to Substitute—Senator DeSteph)

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.

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. When in the course of procuring personal protective equipment for public use, a state agency shall ensure that such equipment comply with all applicable federal and international certifications and requirements for such equipment, and if a state agency receives three or more bids (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 personal protective equipment are unavailable from such companies or manufacturers, from a United States-based manufacturer using materials or product components made in the United States, such state agency may only select among those bids.

B. If a state agency is unable to purchase equipment in accordance with subsection A, it may purchase equipment from another company or manufacturer so long as the state agency ensures that the personal protective equipment are tested by an independent laboratory to ensure compliance with all applicable federal and international certifications and requirements for such equipment. A state agency may purchase equipment without the need for additional independent laboratory testing if the manufacturer of such equipment 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 the requirements stated in subsections A and B cannot be met.

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 may be necessary if a state of emergency is declared in Virginia and 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.