

Chapter 477

2016 -- H 7736

Enacted 07/14/2016

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - ANTI-DISCRIMINATION
IN STATE CONTRACTS

Introduced By: Representatives Ackerman, Keable, Shekarchi, Craven, and
Blazejewski

Date Introduced: February 24, 2016

It is enacted by the General Assembly as follows:

SECTION 1. Title 37 of the General Laws entitled "PUBLIC PROPERTY AND
WORKS" is hereby amended by adding thereto the following chapter:

CHAPTER 2.6

ANTI-DISCRIMINATION IN STATE CONTRACTS

37-2.6-1. Short title. – This chapter shall be known and may be cited as the "Anti-
Discrimination in State Contracts Act".

37-2.6-2. Definitions. – (a) The following words and phrases when used in this
chapter shall have, unless the context clearly indicates otherwise, the meanings given
to them in this section as follows:

(1) "Boycott" means to blacklist, divest from, sanction, or otherwise refuse to
deal with a person, firm, or entity, or a public entity of a foreign state, when the
action is based on race, color, religion, gender, or nationality of the targeted person,
firm, entity, or public entity of a foreign state. Boycott does not include:

(i) A decision based on a bona fide business or economic reasons;

(ii) A boycott against a public entity of a foreign state when the boycott is applied
in a nondiscriminatory manner; and

(iii) Boycotts or divestments of particular jurisdictions that are specifically
authorized or required by federal law or state law.

(2) "Public entity" means the state, or any political subdivisions of the state, including, but not limited to, any of its agencies, departments, institutions, or school districts.

(3) A "jurisdiction with whom the state can enjoy open trade" means states that are members of the World Trade Organization.

37-2.6-3. Discrimination in state contracts prohibited. – A public entity shall not enter into a contract with a business to acquire or dispose of supplies, services, information technology, or construction unless the contract includes a representation that the business is not currently engaged in, and an agreement that the business will not during the duration of the contract engage in, the boycott of any person, firm, or entity based in, or doing business with, a jurisdiction with whom the state can enjoy open trade, and/or the boycott of any public agencies, entities, or instrumentalities of the jurisdiction with whom the state can enjoy open trade.

37-2.6-4. Applicability and exemptions. – This section shall not apply if a business fails to meet the requirements of §37-2.6-3, but contracts to provide the goods or services for at least twenty percent (20%) less than the lowest certifying business. And provided further, this section shall not apply to contracts with a total potential value of less than ten thousand dollars (\$10,000).

SECTION 2. This act shall take effect upon passage.

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