

Chapter 581

(House Bill 6)

AN ACT concerning

**Department of General Services – Energy–Conserving Standards
(Maryland Sustainable Buildings Act of 2023)**

FOR the purpose of requiring the Department of General Services to establish and periodically update standards for State buildings to conserve energy and minimize adverse impacts on birds; requiring the Maryland Green Building Council to include the standards in ~~any~~ *certain* requirements that the Council establishes for ~~participation in a higher performance building program in the State;~~ *the Maryland High Performance Green Building Program*; defining “State building”; and generally relating to the construction, alteration, or acquisition of State buildings.

BY repealing and reenacting, without amendments,
 Article – State Finance and Procurement
 Section 4–101
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

BY adding to
 Article – State Finance and Procurement
 Section 4–410.1
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

Preamble

WHEREAS, The amount of glass used in new building construction is increasing dramatically in Maryland and worldwide; and

WHEREAS, The increase in the use of glass in buildings threatens to undo energy conservation efforts, cost the State money, and contribute to climate change and biodiversity loss; and

WHEREAS, Adopting building standards to protect birds will reduce energy consumption, making State buildings more sustainable and saving taxpayers money; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – State Finance and Procurement

4-101.

- (a) In this title the following words have the meanings indicated.
- (b) “Department” means the Department of General Services.
- (c) “Secretary” means the Secretary of General Services.

4-410.1.

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ACQUIRED” DOES NOT INCLUDE A BUILDING LEASED BY THE STATE.

(3) “STATE BUILDING” MEANS:

~~(1)~~ **(I) A BUILDING ACQUIRED THROUGH ANY MEANS BY THE STATE FOR USE BY A STATE AGENCY OR DEPARTMENT;**

~~(2)~~ **(II) A BUILDING CONSTRUCTED OR RENOVATED BY OR FOR THE STATE FOR OCCUPANCY BY A STATE AGENCY OR DEPARTMENT; OR**

~~(3)~~ **(III) A BUILDING ACQUIRED, CONSTRUCTED, OR RENOVATED FOR WHICH MORE THAN 50% OF THE MONEY FOR THE ACQUISITION, CONSTRUCTION, OR RENOVATION CAME FROM STATE FUNDS.**

(B) THIS SECTION DOES NOT APPLY TO:

(1) A PUBLIC WORK CONTRACT OF LESS THAN \$500,000;

(2) A PUBLIC WORK CONTRACT FOR WHICH 50% OR LESS OF THE FUNDS USED FOR THE PROJECT ARE STATE FUNDS; ~~OR~~

(3) A PROJECT FOR WHICH FUNDING IS PROVIDED IN THE CAPITAL BUDGET AS A GRANT TO A NONPROFIT ORGANIZATION; OR

(4) A PUBLIC SCHOOL CONSTRUCTION PROJECT.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR STATE BUILDINGS TO CONSERVE ENERGY AND MINIMIZE ADVERSE IMPACTS ON BIRDS THAT ARE CONSISTENT WITH THE U.S. GREEN BUILDING COUNCIL COUNCIL’S LEED

INNOVATION CREDIT ~~55~~ FOR REDUCING BIRD COLLISIONS AND THE AMERICAN BIRD CONSERVANCY BIRD-FRIENDLY DESIGN RECOMMENDATIONS.

(2) THE DEPARTMENT SHALL UPDATE THE STANDARDS DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION EVERY 5 YEARS.

(3) THE STANDARDS DEVELOPED UNDER THIS SUBSECTION SHALL SPECIFY THAT, EXCEPT WHERE FULL OPERATION OF BUILDING LIGHTING IS DOCUMENTED AS NECESSARY, INCLUDING FOR PUBLIC SAFETY OR OTHER PURPOSES, INTERIOR AND EXTERIOR LIGHTING SHALL BE APPROPRIATELY SHIELDED AND MINIMIZED FROM MIDNIGHT TO DAWN EACH DAY:

(I) FROM MARCH 1 THROUGH MAY 31, BOTH INCLUSIVE; AND

(II) FROM AUGUST 1 THROUGH OCTOBER 31, BOTH INCLUSIVE.

(4) THE STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT INCLUDE A REQUIREMENT FOR BIRD COLLISION MONITORING.

(5) THE DEPARTMENT SHALL CONSIDER THE PHYSICAL HEALTH AND MENTAL HEALTH OF BUILDING OCCUPANTS WHEN DEVELOPING OR UPDATING STANDARDS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) EACH STATE BUILDING CONSTRUCTED, SUBSTANTIALLY ALTERED, OR ACQUIRED BY THE STATE SHALL MEET, TO THE EXTENT PRACTICABLE AND WITHIN BUDGETARY CONSTRAINTS AS DETERMINED BY THE DEPARTMENT, THE STANDARDS ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

(E) THE DEPARTMENT SHALL REDUCE THE LIGHTING OF EXISTING STATE BUILDINGS, TO THE EXTENT PRACTICABLE AND WITHIN BUDGETARY CONSTRAINTS AS DETERMINED BY THE DEPARTMENT:

(1) IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION; AND

(2) BY USING AUTOMATIC CONTROL TECHNOLOGIES, WHICH MAY INCLUDE TIMERS, PHOTOSENSORS, INFRARED DETECTORS, AND MOTION DETECTORS.

(F) (1) ~~THE~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE MARYLAND GREEN BUILDING COUNCIL SHALL INCLUDE THE STANDARDS ESTABLISHED UNDER THIS SECTION IN ~~ANY~~ REQUIREMENTS THAT THE COUNCIL ESTABLISHES FOR ~~PARTICIPATION IN A HIGHER PERFORMANCE BUILDING~~

~~PROGRAM IN THE STATE~~ **THE MARYLAND HIGH PERFORMANCE GREEN BUILDING PROGRAM.**

(2) STANDARDS INCLUDED IN THE MARYLAND HIGH PERFORMANCE GREEN BUILDING PROGRAM UNDER THIS SUBSECTION SHALL APPLY ONLY TO STATE BUILDINGS AS DEFINED IN THIS SECTION.

(G) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 8, 2023.