

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1353 (Delegate O'Donnell, *et al.*)
Health and Government Operations

Crimes - Food Service Facility - Rodenticide Placed on Food Prepared for Human Consumption

This bill expands the crime of contaminating food or drink with poison to include the knowing placement of rodenticide or other substance used to kill rodents on or in contact with food that will be prepared for human consumption in a food service facility. Existing criminal penalties apply.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's penalty provision. Revenues are not affected.

Local Effect: Potential minimal increase in local expenditures due to the bill's penalty provision. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: An individual is prohibited from knowingly and willfully contaminating, attempting to contaminate, or conspiring to contaminate any drink, food, food product, or food supply by adding disease germs, bacteria, poison, or poisonous matter. A violator is guilty of a felony and on conviction is subject to imprisonment of up to 20 years.

Background: In March 2011, Anne Arundel County health authorities conducted a surprise inspection (in response to an anonymous tip) of a local restaurant, where they discovered what appeared to be rat poison pellets on trays of raw hamburger patties in a

walk-in refrigerator. Health officials subsequently reported the incident to Anne Arundel County police, who opened a criminal investigation.

The U.S. Environmental Protection Agency (EPA) has classified rodenticides as acutely toxic in humans. According to EPA, thousands of children are accidentally exposed to rodenticides each year, though only a small number of exposed children experience medical symptoms or suffer adverse health effects as a result of their exposure. Symptoms, which typically have a delayed onset, include nosebleeds and bruising. Severe cases of exposure can result in shock and/or death.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,920 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating costs) is about \$390 per month. Excluding all medical care, the average variable costs total \$170 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of DOC but are confined in a local facility. The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. A \$45 per diem State grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day

grant for inmates who have been sentenced to the custody of DOC but are confined in a local facility. Per diem operating costs of local detention facilities have ranged from \$57 to \$157 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): U.S. Environmental Protection Agency, *Baltimore Sun*,
Department of Legislative Services

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