



Department of Public Safety and Correctional Services

STATE OF MARYLAND

Office of the Secretary Office of Government and Legislative Affairs

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LAWRENCE J. HOGAN, JR.
GOVERNOR

BILL: HOUSE BILL 1071

BOYD K. RUTHERFORD
LT. GOVERNOR

POSITION: LETTER OF INFORMATION

ROBERT L. GREEN
SECRETARY

EXPLANATION: This bill defines health and wellness standards to include “lifestyle medicine.” HB 1071 requires the Secretary of the Department to designate four correctional facilities to participate in a Correction Facilities Health and Wellness Pilot Program. Participating facilities will be required to (1) comply with the health and wellness standards adopted by the Secretary of Health; (2) require the Department to provide plant-based meal options, plant-based food options, and plant-based beverages to all inmates at least one day each week and to every inmate at every meal on request; (3) provide information resources to health care providers working in a correctional facility; (4) provide inmates information about plant-based food options; and in consultation with the Secretary of Health, establish guidelines to increase the availability of plant-based meal options.

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COMMENTS:

CATHERINE KAHL
ACTING DIRECTOR

- The Department’s Division of Correction (DOC) operates approximately 17 State correctional facilities, which house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Pretrial Complex, under the Division of Pretrial Detention and Services (DPDS), which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.
- The Department is already required to adhere to auditable standards set by the Maryland Commission on Correctional Standards. **The requirements under HB 1071 would conflict with this process.** Additionally, the managing official of a correctional facility is responsible for having written policies and procedures, including (1) providing for a menu approved annually by a registered dietitian; (2) ensuring that three meals a day are served with not more than a 14-hour interval between the evening meal and breakfast; and (3) ensuring that the food service operation is licensed and meets State sanitation and health regulations as verified by inspection as required by the health department.
- There would be a significant fiscal impact associated with implementing HB 1071. The sentenced population under the Department’s care, custody, and control was approximately 18,800 for fiscal year 2019.

Under the bill, the Department must provide one plant-based meal option and one plant-based beverage to all inmates at each meal at least one day each week, which would cost more than \$105,000.

- The bill also requires the Department to provide every inmate a plant-based meal upon request. If the Department was required to provide every inmate plant-based meals, the cost would increase by over **\$4.4 million annually**.
- The Department already provides healthy options to the incarcerated population. Below are some specifics of the current standardized menus, and what is available to the Maryland inmate population:
 - Inmates are able to sign up to have the option of a vegetarian meal plan (Lacto-Ovo).
 - The Division of Correction is currently providing a plant based meal to all inmates receiving a regular diet on four out of the five weekly menu cycles. Providing a plant based meal on the fifth cycle would increase the cost of up to \$0.65 per meal, or **\$105,000 annually**.
 - Inmates may be placed on diets that adhere to religious practices and beliefs. All religious meals are plant based.
 - Inmates are placed on therapeutic diets for medical conditions. When this occurs, the therapeutic diets adhere to medical diets approved by the Department's Chief Medical Officer, Medical Services and the Department's Registered Dietitian.
 - Lower fat meals are also being served.
 - All juice beverages and tea served with meals are plant based.
 - Beef products include soy resulting in a 3-5% reduction in fat content.
 - Most poultry based items typically result in a 1-3% reduction in fat content.
- With regards to allowing an inmate to elect a food option, menus are reviewed and certified annually for nutritional adequacy by a Registered Dietitian on staff. An inmate registers their meal preference upon admission to the Department and can change their meal preference every 6 months. The meal preference can be regular, lacto-ovo, Religious. Medical diets are based on a medical provider's assessment and can be changed anytime depending on the inmate's medical condition, otherwise the medical diet is renewed by the medical provider on an annual basis.
- HB 1071 will enable an inmate to dictate their dietary selections as opposed to the determination being made by a clinical treatment

provider. This could result in further medical complications and impact the health and safety of the incarcerated population.

- The bill requires a report detailing any change in illnesses or diagnoses of inmates that may result from their participation in the pilot program. This is information that may be protected under HIPAA.
- Changes in vendors, contracts, and cost of services have changed over the 5-year period required by HB 1071. As a result, calculation of the services and costs of individual patient care provided may not be possible beyond the period serviced by the Department's current medical provider.

CONCLUSION: The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on House Bill 1071.