

Testimony in Support of HB59

Health and Wellness Standards - Correctional Facilities
Before the Health and Government Operations Committee – February 14, 2023

House Bill 59 requires the Secretary of Public Safety and Correctional Services to update the minimum standards for inmate food services with the advice of the Secretary of Health every 5 years. HB59 also enables inmates to select from kosher, halal, diabetic, or other available diets without requiring a religious or medical exception. Further, HB59 enacts a 2-year Pilot Program that will select 4 correctional facilities where inmates will be offered greater plant-based meal options, including one day/week plant-based meals for all inmates. Inmates at these facilities will be provided information about the benefits of plant-based diets. The selected facilities, in consultation with the Secretary of Health, will also establish guidelines for alternative food locations such as commissaries to ensure that low-cost, plant-based options are available and to lower the amount of sugar, sodium, and saturated fat in all their foods. The Pilot Program will also require the Secretary of Public Safety and Correctional Services to monitor the health of inmates participating in the program and report their findings to the Office of Minority Health and Health Disparities and the General Assembly on or before October 1, 2025, following the program's conclusion.

HB59 should be adopted because it will provide insights into the health effects of higher quality, more humane diets on Maryland's prison populations, provide inmates with greater plant-based options, and may reduce the prevalence of chronic illness for Maryland inmates, saving the state substantial health care expenses.

Current Prison Diets are Abysmal

“From insects, maggots, and rat droppings in meal trays; to food that is routinely described as ‘unfit for animals, much less human beings’; to the manufacturing of perpetual hunger as a source of financial extraction for commissary providers; [inmates] characterized Maryland's correctional food system as nothing short of a public health and human rights

crisis.”¹ Prison meals are highly processed, starch-based, nutritionally deficient, and too small to satiate inmates. Hungry inmates then turn to the privatized commissary to supplement their meals, snacking on items like cupcakes, chips, and noodles with excess sugar, saturated fat, and sodium. Fruits and vegetables appear nominally on an inmate’s tray, and are typically canned and less nutritious than their fresh counterparts. Fortified drinks such as “base” technically help the prisons adhere to dietary guidelines’ nutrient requirements, but are high in sugar, and lack the true nutritional value and satiety that fresh produce and whole foods provide. In sum, the dietary options in Maryland prisons are dangerously inadequate.

Expensive Chronic Illnesses Plague our Prisons

Many inmates suffer from preventable chronic illnesses like heart disease and diabetes, arising from and exacerbated by poor diet.² Inmates suffer from chronic illness at far greater rates than the general population.³ In Maryland, 12,000 of the 21,000 inmates are designated as chronically ill with “behavioral problems, diabetes, HIV, asthma, high blood pressure and other conditions.”⁴ These illnesses place a great financial strain on prison health care costs. State prisons spend roughly \$5,720 per adult inmate on health care annually, with chronic illness patients costing far more. This drastically outpaces the money spent on food for inmates. According to Maryland's Executive Summary on 2022 expenses for the Department of Public Safety and Correctional Services, inmate medical expenses make up 21% of the entire budget.⁵ Meanwhile, food costs are not even listed and presumably are encompassed within the category

¹ Kanav Kathuria, “*I Refuse to Let Them Kill Me*”: *Food, Violence, and the Maryland Correctional Food System*, September 9, 2021,

<https://static1.squarespace.com/static/5cfbd4669f33530001eeeb1e/t/614a994382003d4b88ba44d9/1632278867753/Food%2C+Violence%2C+and+the+Maryland+Correctional+Food+System+%E2%80%94+Full+Report.pdf>.

² Molly Binham, *Identifying the Cost of Preventable Chronic Disease in Prison: Can Illness Prevention of Adults in Custody Save Money?*, May 26, 2021, DISSERTATIONS AND THESES. Paper 5713.

https://pdxscholar.library.pdx.edu/open_access_etds/5713/.

³ U.S. DEP’T JUST., OFF. OF JUSTICE PROGRAMS, MEDICAL PROBLEMS OF STATE AND FEDERAL PRISONERS AND JAIL INMATES, 2011–12, (Rev. 2016), <https://bjs.ojp.gov/content/pub/pdf/mpsfjji112.pdf>.

⁴ Jay Hancock, *Thousands Leave Maryland Prisons With Health Problems And No Coverage*, NPR, April 24, 2016, <https://www.npr.org/sections/health-shots/2016/04/24/475271336/thousands-leave-maryland-prisons-with-health-problems-and-no-coverage>.

⁵ DEP’T OF PUB. SAFETY AND CORR. SERVS., 2022 FISCAL YEAR OPERATING BUDGET ANALYSIS (2022), <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2022fy-budget-docs-operating-Q00B-DPSCS-Corrections.pdf>.

of "Other" expenses. But for comparison, in Washington state, 19% of expenditures went to inmate medical costs and just 4% went towards food.⁶ Additionally, inmates suffer greatly under the strain of these illnesses, even facing reduced life expectancy.⁷ Upon release, inmates return to society as free citizens. However, chronic illnesses remain by their side, often harming their ability to reintegrate. Chronically ill people struggle to find employment. They end up relying on public resources for food, health care, and housing, placing further financial burdens upon the state.

HB59's Pilot Program May Improve the Health of Maryland Inmates

HB59 will provide inmates with better quality food and help to reduce prison health care costs in the future. By allowing inmates to select special medical or religious diets without requiring approval, inmates will no longer have to wait for diet approvals and subject themselves to food that could be harmful to their condition while they wait.⁸ Further, by requiring the advice of the Secretary of Health in 5-year updates to the state's minimum mandatory standards for inmate food, prison diets will be updated to reflect the latest nutrition research of the day, promoting the good health of Maryland's inmates.

The Pilot Program will ensure that inmates wishing to follow a plant-based diet will have plant-based options available at each meal. Maryland's program would follow other plant-based prison diet initiatives implemented in New York, California, Pennsylvania, and Arizona.⁹ Arizona's Maricopa County Jail even went fully vegetarian in 2013, resulting in annual savings

⁶ Wendy Sawyer, *Food for thought: Prison food is a public health problem*, PRISON POLICY INITIATIVE, March 3, 2017, <https://www.prisonpolicy.org/blog/2017/03/03/prison-food/>.

⁷ Emily Widra, *Incarceration shortens life expectancy*, PRISON POLICY INITIATIVE, June 26, 2017, https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/.

⁸ Peter Inserra, *I Lost 25 Pounds in 4 Months Eating Prison Food*, THE MARSHALL PROJECT, May 16, 2019, <https://www.themarshallproject.org/2019/05/16/i-lost-25-pounds-in-4-months-eating-prison-food>.

⁹ Sam Block, *New York just introduced Meatless Monday in city jails*, THE COUNTER, Dec. 3, 2019, <https://thecounter.org/new-york-city-jails-meatless-monday/>. CALIFORNIA COURT RULES PLANT-BASED MEALS REQUIRED IN CALIFORNIA PRISONS, VEGWORLD MAGAZINE, Feb. 10, 2022, <https://vegworldmag.com/california-court-rules-plant-based-meals-required-in-california-prisons/>. CDC DIVISION FOR HEART DISEASE AND STROKE PREVENTION, PHILADELPHIA IMPROVES FOOD OPTIONS IN CORRECTIONAL FACILITIES, https://www.cdc.gov/dhds/docs/SRCP_Success_Pennsylvania-508.pdf.

of over \$700,000.¹⁰ Plant-based diets are healthier and more affordable. Following slight increases in the budget in the transition to greater plant-based options, costs will likely reduce because plant-based meals are more affordable than meat-based meals, evidenced by Maricopa County Jail's savings after transitioning to vegetarian meals. Further, the Pilot Program will provide statistics on the effects of plant-based diets on inmates' health. This will provide the state with much-needed data on plant-based dieting and may help to guide the state in its efforts to alleviate health care related expenses on the correctional system.

HB59 therefore provides Maryland inmates with more humane dietary options while also offering the state exciting opportunities to potentially save money through lower priced plant-based meals and reduced health care costs as inmates face fewer chronic illness and have improved health outcomes. HB59 takes a small but important step towards improving the wellbeing of the thousands of people who pass through Maryland's correctional facilities each year.

This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Carey School of Law and may not represent the position of the School of Law; the University of Maryland, Baltimore; or the University of Maryland System.

¹⁰ *Maricopa inmates learn to live vegetarian*, EL INDE, April 21, 2015, <https://indearizona.com/maricopa-inmates-learn-live-vegetarian/>.