

SB942_AFSCME3_FAV.pdf

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Patrick Moran - President

SB 942 - Health and Wellness Standards - Correctional Facilities
POSITION: FAVORABLE

AFSCME Council 3 supports SB 942. This legislation requires the DPSCS with the advice of the Health Secretary to update the mandatory standards for inmate food every 5 years. It also requires that inmates can select their meal and beverage of choice without requiring a medical or religious exception. Correctional officers have long advocated for better food in our prison system. Our members see first-hand when inmates are displeased with the food choices available to them. Recent changes in the food vendor contract has made the food much worse.

SB 942 provides a reasonable and measured approach to ensure that food choices in the prison system are evaluated on a regular basis and according to the best nutritional standards.

We urge the committee to provide a favorable report on SB 942.

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SB942_FAV_HSUS.pdf

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THE HUMANE SOCIETY OF THE UNITED STATES

March 21, 2023

Judicial Proceedings Committee

SB 942

Health and Wellness Standards - Correctional Facilities

FAVORABLE

The Humane Society of the United States (HSUS), on behalf of our Maryland supporters, strongly supports Senate Bill 942, which updates the minimum mandatory standards for inmate food services to reflect current nutritional best practices and scientific guidelines, including offering the option of plant-based meals. The bill also establishes a Correctional Facilities Health and Wellness Pilot Program at four State correctional facilities, to evaluate the impact of these new dietary standards on inmate health status, health care utilization and health care costs. Incarcerated individuals in Maryland have a higher rate of disease burden compared to the general population, and research has shown that consumption of plant-based meals can boost immunity, improve health, and reduce disease burden and associated health care costs.

Plant-based options are growing in popularity. Over half of Americans are currently trying to incorporate more plant-based meals into their daily lives, according to a survey conducted by OnePoll. Even fast-food chains are now offering plant-based foods. Burger King and Del Taco provide plant-based burgers and tacos. This month, KFC launched plant-based chicken at its locations nationwide. McDonald's CEO said their offering of a plant-based burger is a matter of "when," not "if." Restaurant Brands (BK's parent company) CEO Jose Cil noted that Burger King's plant-based Impossible Whopper is a "huge hit" and that it was "one of the most successful product launches in Burger King's history." Restaurant industry publication QSR magazine declared, "It's no longer a question of whether or not the plant-based movement is here to stay."

The three largest foodservice companies in the country, Compass Group, Sodexo, and Aramark—which run the dining operations at tens of thousands of hospitals, universities, K-12 schools, museums, stadiums, and more—all have initiatives to provide more plant-based meals to their clients on a national scale. These food service companies are responding to the overall increase in demand for plant-based meal choices reflect the importance of offering healthy food options.

Incorporating more plant-based proteins into our diet is a great way to promote health and prevent a variety of diseases. According to the Academy of Nutrition and Dietetics, people who choose plant-based diets are “at reduced risk of certain health conditions, including ischemic heart disease, type 2 diabetes, hypertension, certain types of cancer, and obesity.”

By providing at least one plant-based meal option and at least one plant-based beverage to all inmates at each meal at least 1 day each week; and offering one plant-based meal option and one plant-based beverage option to an inmate at every meal on request as outlined in SB 942, incarcerated individuals in Maryland will have the opportunity to improve their nutritional intake and improve their overall health and well-being.

Having a Pilot Program for plant-based options as proposed in SB 942 will allow the state to address and improve upon any implementation barriers that may arise, and also assess the impact of offering plant-based meals at correctional facilities.

People in prison deserve options because they have a higher overall burden of chronic disease and are more susceptible to infectious disease due to often crowded living conditions. Offering plant-based meal options can increase the health status of inmates, with the potential to improve rehabilitative and restorative outcomes and reduce health care costs. Access to plant-based food provides healthy and ethical choices to inmates who otherwise do not have the ability to prepare their own meals.

In summary this bill is important because providing plant-based nutrient dense options can help inmates receive more nutritious food leading to better health outcomes that benefit not only the individual, but the overall state. We thank the committee for your consideration of this important legislation and request your support of SB 942 this session.

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Uploaded by: Kimberly Fullerton

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MARYLAND STATE BAR ASSOCIATION ANIMAL LAW SECTION

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Maryland State Bar Association Animal Law Section
Kimberly L. Fullerton, Esq.
301-870-9555
RE: Senate Bill 942 – Health and Wellness Standards – Correctional Facilities
DATE: March 20, 2023
POSITION: Support

The Maryland State Bar Association Animal Law Section is in support of SB 942, a bill which would update minimum health standards and expand access to plant based meals in correctional facilities.

I. Update Minimum Standards of Correctional Facilities

This bill is necessary to update minimum health standards and ensure access to plant based meals in correctional facilities. The Pilot Program will generate transparency by providing generalized health data to decisionmakers. The data will improve inmate health and policy implementation by identifying trends amongst inmate populations and evaluating the efficacy of programs.

II. Expanding Access to Plant Based Meals Will Benefit People, Animals, and the Environment

The United Nations identifies plant based diets as a major opportunity for combating the climate crisis and improving human health. This bill represents Maryland's alignment with local communities and global leadership in tackling some of the world's greatest issues.

The Maryland State Bar Association urges a favorable report.

Respectfully Submitted,

/s/

Kimberly Fullerton,

Immediate Past Chair, Maryland State Bar Association Animal Law Section

Vice Chair, American Bar Association Animal Law Committee

cc: Maryland State Bar Association

Testimony in Support of SB942.pdf

Uploaded by: Nicholas Spiller

Position: FAV

Testimony in Support of SB942

Health and Wellness Standards - Correctional Facilities
Before the Judicial Proceedings Committee – March 21, 2023

Senate Bill 942 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. The bill also enables inmates to select from kosher, halal, diabetic, or other available diets without requiring a religious or medical exception. Further, SB942 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.

SB942 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/mpsfjji1112.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.

SB942's Pilot Program May Improve the Health of Maryland Inmates

SB942 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.

SB942 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. SB942 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/>.

Testimony Health and Wellness Standards Correction

Uploaded by: Senator Benson

Position: FAV

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Ending Homelessness

Fair Practices and
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Joint Committee on Pensions

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson

SB942: Health and Wellness Standards- Correctional Facilities

Good afternoon Chair Smith, Vice Chair Waldstreicher and members of The Judicial Proceedings Committee. I am here to present SB942 Health and Wellness Standards- Correctional Facilities

When people think of prison food, they usually do not feel enticed to eat it; in fact, they feel the complete opposite, and for good reason. The same food brands that supply food to prisons also supply food to schools. If the fact that jail food is provided in places where your children go to school every day bothers you, it should bother you that people in prison who are other people's children consume it as well. People who are incarcerated are six times more likely to contract foodborne illnesses than the general population due to the poor standards of health and wellness in correctional facilities. The food consumed by incarcerated individuals are high in salt, sodium, and sugars which elevates the risk of diabetes and heart failure in this population. An alarming 47% of African Americans in the United States are diagnosed with cardiovascular disease so it is vital to note that African Americans make up a large portion of the prison and jail population putting them at risk for severe health complications.

This legislation requires the Secretary of Public Safety and Correctional Services, with the advice of the Secretary of Health, to update the minimum mandatory standards for incarcerated individuals food services. It also requires updates at least every five years thereafter and will establish a Correctional Facilities and Health and Wellness Pilot Program. This program will take charge in establishing the minimum mandatory standards for inmate food services. Four State correctional facilities will be selected by the Secretary of Public Safety and Correctional Services who will report specified information to the Office of Minority Health and Health Disparities and the General Assembly. Finally, the Secretary of Health must set health and wellness standards for the pilot program. These efforts will improve the health and quality of life of individuals who are incarcerated.

Thus, I respectfully urge the committee to issue a favorable report for SB942.

SB942_DPSCS_LOI.pdf

Uploaded by: Catherine Kahl

Position: INFO



Department of Public Safety and Correctional Services

Office of Government & Legislative Affairs

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JENNIFER A. BESKID
DIRECTOR

BILL: SENATE BILL 942

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill defines health and wellness standards to include “lifestyle medicine”, and requires the Secretary of the Department to designate four correctional facilities to participate in a Correctional Facilities Health and Wellness Pilot Program for the purpose of establishing minimum mandatory standards for inmate food services for the correctional facilities participating in the Pilot Program. The bill would further require the Department, in consultation with the Secretary of Health, establish guidelines to increase the availability of plant-based meal options.

COMMENTS:

- The Department’s Division of Correction (DOC) operates 13 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.

- SB 942 establishes the Correctional Facilities Health and Wellness Pilot Program for the purpose of instituting minimum mandatory standards for inmate food services for the participating correctional facilities.

- The Department is already required to adhere to auditable standards set by the Maryland Commission on Correctional Standards. **The requirements under SB 942 would conflict with this process.** 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 the Health Department.

- The Pilot Program established under the bill, would require each participating facility to offer plant-based meal options, plant-based food options, and plant-based beverages for general consumption by:
 - (i) providing at least one plant-based meal option and at least one plant-based beverage to **all inmates at each meal at least day each week**; and
 - (ii) offering one plant-based meal option and one plant-based beverage option to an inmate at every meal on request;

- The Department already provides healthy options to the incarcerated population. Below are some specifics regarding the current standardized menus, and what is available to the Maryland inmate population:
 - Incarcerated individuals 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 incarcerated individuals 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 \$0.80 per meal, or **\$86,875 annually during the two year pilot program**.
 - Incarcerated individuals may be placed on diets that adhere to religious practices and beliefs. All religious meals are plant-based.
 - Incarcerated individuals 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 regard to allowing an incarcerated individual to elect a food option, menus are reviewed and certified annually for nutritional adequacy by a Registered Dietitian on staff. An individual 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, or religious. Medical diets are based on a medical provider's assessment and can be changed anytime depending on the individual's medical condition; otherwise the medical diet is renewed by the medical provider on an annual basis.

- SB 942 will enable incarcerated individuals 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 also requires a report detailing health status data of an incarcerated individual for the five years preceding the pilot program and at the completion of the pilot program. Not only is an incarcerated individual's health information protected under federal HIPAA regulations, there are also federal regulations that prohibit research being conducted on incarcerated individuals unless it meets specific requirements.

- Changes in vendors, contracts, and cost of services will most likely have changed over the 5-year period required by SB 942. 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 Senate Bill 942.