

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 3:100. Food services.

RELATES TO: KRS 196.035, 197.020, 217.280-217.390, 441.055

STATUTORY AUTHORITY: KRS 441.055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 441.055 requires the Department of Corrections to promulgate administrative regulations establishing minimum health standards for jails that house state prisoners. This administrative regulation establishes procedures for proper food services for full-service jails.

Section 1. Procedures.

- (1) The jail shall comply with KRS 217.280 through 217.390 and 902 KAR 45:005.
 - (2) The jailer or jail administrator shall provide adult prisoners with a nutritionally adequate diet containing at least 2,400 calories per day. Condiments shall not be included in the daily caloric totals. If prisoners are housed in the diversion holding area during normal meal times, they shall be fed. Meals may be either hot or cold.
 - (3)
 - (a) Except as provided by paragraph (b) of this subsection, prisoners shall receive three (3) meals per day, one (1) of which shall be hot. More than fourteen (14) hours shall not elapse between any two (2) meals.
 - (b) The jailer or jail administrator may elect to provide only two (2) meals on Saturdays, Sundays, and holidays, if both meals still meet the minimum 2,400 calories per day. Condiments shall not be included in the daily caloric totals. If the jailer or jail administrator elects to serve only two (2) meals, more than sixteen (16) hours shall not elapse between any two (2) meals.
 - (4) The jailer or jail administrator shall provide for religious diets in accordance with 501 KAR 3:130 after review and approval by religious authority.
 - (5) The jailer or jail administrator shall provide for medical diets if prescribed by a medical authority. This shall include any special dietary requirements to ensure adequate nutrition is provided for pregnant prisoners.
 - (6) The jailer or jail administrator shall maintain accurate records of all meals served.
 - (7) Food shall not be used for disciplinary purposes.
 - (8) A nutritionist or dietician shall approve the nutritional value of the jail menu on an annual basis.
 - (9) Jail personnel shall directly supervise all food prepared within the jail.
 - (10) All food shall be served under the direct supervision of jail personnel.
 - (11) The jail shall have sufficient cold and dry food storage facilities.
 - (12) The jailer, jail administrator, or jail personnel shall inspect the food service area daily.
 - (13) Canteen food items purchased by prisoners may be stored or prepared in amounts that do not pose a threat to the health or security of the facility.
- (9 Ky.R. 645; eff. 3-2-1983; Am. 13 Ky.R. 689; eff. 11-11-1986; 19 Ky.R. 1853; 2624; eff. 6-7-1993; 22 Ky.R. 1354; eff. 3-7-1996; 29 Ky.R. 2759; 30 Ky.R. 24; eff. 7-17-2003; 31 Ky.R. 1558; eff. 5-26-2005; 34 Ky.R. 1186; 1965; eff. 3-7-2008; 37 Ky.R. 2956; 38 Ky.R. 576; eff. 10-7-2011; 42 Ky.R. 19532; 2344; eff. 3-4-2016; 50 Ky.R. 1958; eff. 9-3-2024.)

The Jail Standards Review Commission established pursuant to KRS 441.055(1)(b) has approved the standards in this administrative regulation at its meeting on January 8, 2024, prior to its filing with the Legislative Research Commission in compliance with KRS 13A.120(3), 13A.220(6)(a), and 441.055(2).

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: February 6, 2024

FILED WITH LRC: February 15, 2024 at 8:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 23, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, Justice.RegContact@ky.gov, telephone number (502) 564-3279, facsimile number (502) 564-6686.