

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 7:100. Food services.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 196.035, 197.020, 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 standards for jails that house state prisoners. This administrative regulation establishes procedures for the delivery of proper food services in restricted custody centers.

Section 1. Procedures.

- (1) The center shall comply with KRS 217.280 through 217.390 and 902 KAR 45:005.
 - (2) The jailer shall provide adult prisoners with a nutritionally adequate diet containing at least 2,400 calories per day.
 - (3) The jailer shall provide for religious diets in accordance with 501 KAR 3:130 after review and approval of a religious authority.
 - (4) The jailer 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.
 - (5) The center shall maintain accurate records of all meals served.
 - (6) Food shall not be used for disciplinary purposes.
 - (7) A nutritionist or dietician shall approve the nutritional value of the center menu on an annual basis.
 - (8) Jail personnel shall directly supervise all food prepared within the center.
 - (9) All food shall be served under the direct supervision of jail personnel.
 - (10) The center shall have sufficient cold and dry food storage facilities if food is prepared in the center.
- (13 Ky.R. 825; eff. 11-11-1986; Am. 34 Ky.R. 1197; 1973; eff. 3-7-2008; 37 Ky.R. 2984; eff. 10-7-2011; 48 Ky.R. 956; eff. 3-1-2022.)

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 July 13, 2021 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: July 23, 2021

FILED WITH LRC: August 3, 2021 at 12:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation will be held on October 21, 2021, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Any person who wishes to be heard at this hearing shall notify the agency in writing by five workdays prior to the hearing of their intent to attend. If a notice of intent to attend the hearing is not received by that date, the hearing may be cancelled. 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 October 31, 2021. Send written

notice 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, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes minimum standards for food services in restricted custody centers.

(b) The necessity of this administrative regulation:

To conform to the requirements of KRS 441.055.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

It establishes minimum standards for food services in restricted custody centers as required by KRS 441.055.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

It establishes minimum standards for food services in restricted custody centers.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

It specifies that a local jailer shall provide an adequate diet containing at least 2400 calories per day and standardizes terms used in the Chapter.

(b) The necessity of the amendment to this administrative regulation:

To revise the minimum standards as part of the standard review process in KRS 441.055(1)(b).

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment adopts the Jails Standards Review Advisory Commission recommendations and revises the standards as part of the standard review process in KRS 441.055(1)(b).

(d) How the amendment will assist in the effective administration of the statutes:

It clarifies the minimum 2400 calorie diets for prisoners.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This affects approximately 44 county and regional restricted custody centers that house reduced custody Class C and D felons and their staff, approximately 50 Department of Corrections employees, including 15 Local Facilities staff, and approximately 1,500 inmates in the restricted custody centers, including 853 reduced custody Class C and D felons.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

A jailer will have to provide a minimum of 2400 calories per day.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Inmates will receive adequate daily calories.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No additional cost.

(b) On a continuing basis:

No additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Budgeted funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in funding would depend on the factors discussed in (5)(a) & (b) and should be covered by the money paid to the jail for incarcerating state inmates.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No fees are established or increased.

(9) TIERING: Is tiering applied?

No. The standards apply equally to all restricted custody centers.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department of Corrections and restricted custody centers.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 196.035, 197.020, 441.055

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue is generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue is generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year?

For fiscal year 2021, the department paid the local jails approximately \$105.9 million for the housing, transportation, and medical care of state inmates. Full service jails receive the largest portion of this funding. Plus, the department incurred approximately \$1,451,110 in staff salaries and administrative costs. The jails will have some staff and administrative costs, but this program is a source of revenue for them.

(d) How much will it cost to administer this program for subsequent years?

Approximately the same as in (c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: