



## Department of Public Safety and Correctional Services

### Office of Government and Legislative Affairs

45 Calvert Street, Suite 7A-C, Annapolis MD 21401  
410-260-6070 • www.dpscs.state.md.us

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**BILL:** HOUSE BILL 135

**POSITION:** LETTER OF INFORMATION

**EXPLANATION:** This bill would prohibit the use of single-use food or beverage products to customers who are eating in, carrying out, or having food delivered from a food service business unless the customer requests or accepts an offer for the single-use product. The bill would allow a food service business to maintain a limited stock of single-use plastic straws to accommodate certain needs and it would allow for a food service business to submit a request for a waiver.

#### 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 oversees the Division of Pretrial Detention and Services which operates the Baltimore City Pretrial Complex.
- HB 135 would require the Department to refrain from providing single-use food or beverage products, including utensils, as the Department is included in the definition of "food service business" which "includes a business or institutional cafeteria, including a cafeteria operated by or on behalf of the State or a local government" as defined under Section 9-2018.
- The Department restricts the use of metal utensils as they pose a safety and security threat to the incarcerated population, staff, and visitors to its facilities. Single-use plastics pose the least amount of risk. The option that would be available to the Department if single-use plastics could not be used would be biodegradable utensils.
- Currently, the Department is providing its population with grab and go meals due to the pandemic. The Department will transition back to cafeteria meals as restrictions are lifted and this return to cafeteria service is expected to result in an increase in the number and type of utensils used.
- According to Green Paper Products, the unit price for a biodegradable spork, knife, spoon, or fork is \$0.08 each. Given that each inmate must be provided a spork at each meal, based on the current average daily for the sentenced population, it would cost the Department approximately **\$1,363,145** to provide a biodegradable utensil to each inmate in the custody of the DOC and Patuxent

Institution and approximately **\$175,112** for each individual under the custody of the Division of Pretrial, Detention and Services.

- Similarly, the Department is obligated to provide meals to its staff who work in correctional facilities as it can often be time consuming to leave the facility for lunch due to front entrance search procedures. Staff are allowed a spoon, fork, and knife. The cost of providing biodegradable utensils is estimated to increase dietary expenses by a minimum of **\$400,000** annually. Therefore, the total annual cost to provide biodegradable utensils will be at a minimum of **\$1,938,257**.
- It is important to note, the estimated costs to implement this bill have not been included in the Department's fiscal year 2023 budget. In addition, on October 1, 2020, a Styrofoam ban went into effect. The resulting costs of this ban resulted in a 48% increase to the Department for dietary supplies from FY 2020 (\$3.6 million) to FY 2021 (\$5.4 million).
- This bill also places restrictions on the use of condiments. The Department anticipates this could result in an operational and fiscal impact; however, the extent of this impact cannot be determined at this time.
- The impact of HB 135 on commissary services is not clear. The Department's commissary is a business that provides food and beverages for consumption off the premise of the commissary. Incarcerated individuals are able to purchase soup items that include single-use plastics and prepackaged beverage products. Commissary costs would increase for these products which would be passed onto the incarcerated individuals.
- HB 135 does allow a food service business to request a three month waiver from a governmental entity. However, it is not clear which governmental entity would grant a waiver, and the food service business would be limited to two waivers.
- Due to the nature of the Department's operations, it is recommended that HB 135 be amended to exclude the Department.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates House Bill 135.