

HOUSE No. 4125

The Commonwealth of Massachusetts

PRESENTED BY:

Erika Uytterhoeven

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve food safety and quality in Department of Correction facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>1/17/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>3/6/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>5/14/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>7/30/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>9/21/2025</i>

HOUSE No. 4125

By Representative Uyterhoeven of Somerville, a petition (accompanied by bill, House, No. 4125) of Erika Uyterhoeven and Christopher J. Worrell for legislation to improve food safety and quality in Department of Correction facilities. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to improve food safety and quality in Department of Correction facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 11 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 18. (a) For the purpose of this section, the following words shall, unless the
4 context clearly requires otherwise, have the following meanings:

5 “Correctional community members”, any incarcerated persons and correctional staff.

6 “Correctional facility”, any building, enclosure, space or structure, used for the custody,
7 control and rehabilitation of committed offenders or of such other persons as may be placed in
8 custody therein in accordance with law regardless of whether the facility is owned, operated or
9 controlled by a county sheriff or by the department; provided, however, this shall not include the
10 facilities operated by the department of youth services.

11 “Council”, the food services community council.

12 “Department”, the department of correction.

13 “Dietitian”, a registered dietitian employed by the contractual medical provider or the
14 department.

15 “Discarded food”, food not consumed and the department pays to have picked up by a
16 farm.

17 “Food services”, all kitchen personnel and kitchen staff employed by the department,
18 equipment and area where food is stored, prepared and consumed.

19 “Food service manager” or “supervisor” or “director”, the person designated by the
20 superintendent whose duties include, but are not limited to, the daily management of the food
21 service operation within the institution.

22 “Food service policy”, food service policy establish by the department concerning food
23 service pursuant to 103 DOC 760.

24 “Inspector”, food services inspector of the food services inspector’s office.

25 “Office”, the food services inspector’s office.

26 “Origin/APDS educational tablet”, educational program tablets assigned to each
27 incarcerated person, used for a telephone or education and has been used to survey incarcerated
28 persons.

29 “Superintendent”, the chief administrative officer of a correctional facility.

30 “Therapeutic diet”, a diet prescribed by a physician or dentist employed by the
31 contractual medical provider or the department;

32 (b)(1) There shall be established the food services inspector's office in the division of
33 state audits of the state auditor pursuant to section 6. The chief officer of the office shall be
34 hereby referred to as the food services inspector.

35 (2) The inspector shall be appointed by the: (i) attorney general; (ii) the secretary of
36 health and human services; and (iii) the co-chairs of the joint committee of public safety and
37 security and shall be confirmed by a majority vote of the council for a term of 5 years.

38 (3) The inspector, so appointed, shall be selected without regard to political affiliation
39 and solely on the basis of integrity and expertise areas of policy and basic nutrition including at
40 least 5 years of experience in nutrition science and healthful, medically appropriate diets and
41 demonstrated ability in management and administration, experience with investigation, prison or
42 criminal justice administration or other related fields are supplemental benefits.

43 (4) In case of a vacancy in the position the of inspector their successor shall be appointed
44 in the same manner for the unexpired term. No person shall be appointed for more than 2 5-year
45 terms.

46 (5) No former or current employees of the department shall be appointed to the position
47 within 10 years after such former or current period of service with the department or county
48 correctional system.

49 (6) The inspector may be removed from office for cause by a majority vote of the
50 council. Such cause shall include: (i) substantial neglect of duty; (ii) gross misconduct; or (iii)
51 conviction of a crime. The reasons for removal shall be stated in writing and shall include the
52 basis for such removal. Such writing shall be sent to the attorney general and the council to
53 request the removal and shall be deemed to be a public document.

54 (c)(1) There shall be established a food services community council, whose members
55 shall be appointed by a majority vote of: (i) the attorney general; (ii) the state auditor; (iii) the
56 secretary of the department of public safety and security; (iv) the secretary of the department of
57 health and human services; (v) the commissioner of the department of correction designee; (vi)
58 the speaker of the house or representatives; (vii) the minority leader of the house of
59 representatives; (viii) the president of the senate; (ix) the minority leader of the senate; (x) the
60 chairperson of prisoner legal services; and (xi) an incarcerated person in a correctional facility,
61 who shall be recommended by prisoner legal services. The incarcerated person shall be included
62 via teleconference and shall receive reports and information.

63 (2) The council shall consist of 4 appointed members that shall include: (i) 1 member
64 with chef experience; (ii) 1 member who is a dietitian or nutritionist; (iii) 1 member with
65 therapeutic diet experience; and (iv) 1 member who is currently an incarcerated person at a
66 correctional facility and shall require a recommendation from prisoner legal services. The
67 incarcerated person shall be included in meetings of the council via teleconference and shall
68 receive reports and information on the council.

69 (3) The council shall meet, at least biannually to review the seasonal cycle menus and
70 recipes or more frequently if needed. The appointed members of the council shall serve for a
71 term of 5-years and shall be compensated for work performed for the inspector at such a rate as
72 the secretary of administration determines. Council members shall be reimbursed for expenses
73 necessarily incurred in the performance of their duties.

74 (d)(1) Subject to appropriation the inspector may appoint and may remove such
75 employees, as they deem necessary to perform the duties of the office.

76 (2) With the advice and consent of the attorney general and the state auditor, the inspector
77 may apply for and receive federal funds to fulfill the duties and responsibilities of the position
78 pursuant to the Food Services Inspector Fund established in section 2KKKKKK of chapter 29.

79 (e) The inspector shall investigate the use of funds from the inmate food account to: (i)
80 assure exclusive use for prisoner nutrition; (ii) investigate the quality and nutritional value of the
81 food approved by the department's dietitian; and (iii) promote prisoner well-being, health,
82 palatability and prisoner acceptance.

83 (f) The inspector may investigate, inspect, examine, review or otherwise assess any
84 aspect of correctional facilities or systems as it relates to day-to-day operations or conditions
85 including, but not limited to: (i) investigations of the department's food services areas and staff;

86 (ii) internal affairs investigations of food services; (iii) invoices of food purchases from
87 the inmate food account; (iv) dietitian's certification of menus, recipes and the nutritional
88 breakdown of meals, including dietitian's worksheets and spreadsheets; and (v) institutional
89 cameras, kitchen cameras and body cameras of kitchen staff.

90 (g) The inspector shall review legislation and regulations including, but not limited to the
91 department's: (i) food service policy 103 DOC 760; (ii) access to therapeutic diets and medical
92 diets 103 CMR 761; (iii) staff provided meals 103 DOC 214; (iv) special health care practices
93 103 DOC 620; and (v) institutional procedural policies and when necessary, advocate for and
94 request changes as needed from the general court and executive branch.

95 (h) The inspector may utilize resources necessary to effectively perform their duties
96 including, but not limited to: (i) conducting interviews with incarcerated community members
97 without molestation from the department; and (ii) utilizing such tools as surveys, documents,

98 records, reports, statistics and studies to develop and implement minimum standards and policies
99 in food services.

100 (i) The inspector shall conduct a comprehensive review of all food service's correction
101 records and data for the purpose of establishing and implementing a statewide uniform data
102 collection system. The data collected shall be used to track and monitor the day-to-day
103 operations of the department's food services compliance with statutes, rules, regulations and
104 policies as related to prison health, safety, welfare and nutrition.

105 (j) The inspector shall investigate thoroughly and completely all grievances and
106 complaints alleging violations of food services policy. Such investigations shall be performed
107 independently without regard for department processes or findings.

108 (k) The inspector shall seek additional input from impacted incarcerated community
109 members.

110 (l) The inspector shall work to identify other state agencies responsible for investigating,
111 auditing, reviewing or evaluating the management and operations of state agencies and
112 coordinate with these agencies to share information in the furtherance of the office's duties.

113 (m) The inspector shall maintain, monitor and provide a system of response including,
114 but not limited to, a mailing address for the receipt of grievances and complaints into food
115 services.

116 (n) The inspector shall provide information to incarcerated persons, agencies working
117 with incarcerated persons and department staff as it relates to the duties and functions of the
118 office.

119 (o) The inspector may identify and implement ways in which management functions can
120 better assist in the performance of the duties and functions of the office.

121 (p) The office shall be independent of any supervision or control by any executive
122 agency. The office shall have all powers necessary or convenient to carry out and effectuate its
123 purposes including, but not limited to, the power to: (i) survey incarcerated persons, through
124 Origin/APDS educational tablets assigned to each incarcerated person, housed by the department
125 or county to establish and identify, waste, suggestions and violations of policy and misuse of
126 funds budgeted for the incarcerated community; (ii) initiate and conduct investigations to carry
127 out and effectuate its purpose; (iii) identify systemic issues and responses relating to food
128 services and dismantling the culture and violations of policy; (iv) identify issues related to food
129 services upon which the governor, the general court, the attorney general, the state auditor and
130 other authorities as identified by the office shall act; (v) recommend and facilitate the
131 implementation of minimum statewide standards for correctional food service operations; (vi)
132 ensure compliance with relevant statutes, rules, regulations and policies concerning correction
133 facilities, services and treatment of incarcerated persons under the jurisdiction of the department;
134 (vii) enter into agreement or other transaction with a person including, but not limited to, a public
135 entity or other governmental instrumentality or authority in connection with its powers and
136 duties of the office; (viii) execute all instruments necessary or convenient for accomplishing the
137 intended purpose of the office; (ix) appear on its own behalf before boards, commissions,
138 departments or other agencies of municipal, state or federal government; and (x) provide and pay
139 for advisory services and technical assistance as may be necessary in its judgment to carry out
140 this section and fix the compensation of persons providing such assistance or services.

141 (q) The inspector, the inspector's designee or an organizational member of the council by
142 direction and working in furtherance of the office's intended purposes may enter any part or all
143 parts of any place where prisoners shall be kept or where food and food related items and
144 materials shall be stored. They shall be immediately admitted to such place as they desire.

145 (r) The inspector, designee or organizational member of the council working in
146 furtherance of the office's intended purpose may consult and confer with any prisoners,
147 department and county employees privately and confidentially without molestation. Such
148 communications may be both formally and informally, in person, by video conference, by phone
149 and by mail.

150 (s) The inspector shall be authorized to: (i) hold public hearings; (ii) subpoena witnesses
151 and documents; and (iii) require that witnesses testify under oath.

152 (t) Failure of the department or county to cooperate or otherwise interfere with the
153 performance of the duties of the office shall result in sanctions, fines or demotion. The office, for
154 just cause, may impose fines and provide recommendations to the department to: (i) demote
155 correctional administrators and staff or (ii) limit correctional staff interactions with incarcerated
156 persons and their property until such time deemed necessary as recommended by the office. All
157 determinations shall be made in writing and subject to appeal and corrective action by the
158 department or county within 90 days. The department or county shall respond within 30 days of
159 the decision. Failure to respond shall make null and void the opportunity for appeal by the
160 department or county.

161 (u)(1) The inspector shall have the right to access, inspect and copy any information,
162 records, documents, video or audio recordings in the possession or control of the department or

163 county that the inspector considers necessary. No claim of restriction or privilege under the
164 general laws shall limit the inspector under this subsection. The department or county shall assist
165 the inspector in obtaining any necessary releases for those documents that are restricted or
166 privileged under federal law.

167 (2) Following a written demand from the inspector the department or county shall
168 provide the requested material within 20 days unless the inspector consents to an extension of
169 that time frame. Any failure to obey the request may be punished by imposition of fines or
170 sanctions.

171 (3) Upon notice and request by the inspector, a state agency, county or municipal
172 government agency, other than the department or a county sheriff, that has information, records,
173 documents, video or audio recordings relevant to a complaint or an investigation conducted by
174 the inspector shall provide the inspector with access to the material not later than 20 days unless
175 the inspector consents to an extension.

176 (4) Disclosure of any information, records, documents, video or audio recordings in the
177 possession or control of the department or county as requested by the inspector shall not be
178 released to the public. The office may release information from the department or county in the
179 form of reports and other informational tools developed by the office in performance of the
180 inspector's duties and responsibilities.

181 (5) The inspector shall work with the department or county to minimize disruption to the
182 department or county's operations due to the inspector's general activities and shall comply with
183 the department or county's security clearance process; provided, that those processes do not, in

184 the sole judgment of the inspector, impede the inspector from carrying out the duties and
185 intended purpose of the office.

186 (6) At the conclusion of such investigation, the inspector shall provide a public report on
187 the outcome of the investigation, which may include any recommendations to the department or
188 county.

189 (7) Upon request by the inspector the department or county shall, within the time
190 specified, inform the inspector about: (i) the action taken on the recommendations; (ii) the
191 reasons for not complying with the recommendations: or (iii) the reasons for not complying with
192 the recommendations and an anticipated timeline for completion. The department and county
193 shall be provided with a specified time when sanctions or fines may be imposed for any failure to
194 comply with the recommendation.

195 (8) The inspector shall make public the results of its findings after reasonable notice to
196 the department and county. Correctional administrators may be provided an opportunity to
197 review reports and provide feedback about them to the inspector before the dissemination to the
198 public; provided, however, that the release of the reports shall not be subject to approval from
199 any entity or person outside the office nor contingent of any review of the report by the facility.

200 (9) Reports by the inspector shall comply with legal requirements, best correctional
201 practices and other criteria to: (i) objectively and accurately review and assess a correctional
202 facility's policies, procedures and practices; (ii) identify systemic problems and the reasons for
203 them; and (iii) recommended possible solutions to those problems as it pertains to any culture
204 that is allowed to persist.

205 (v) Any person who has authority to recommend, approve, direct or otherwise take or
206 affect action against incarcerated persons or correctional employees shall not, with respect to
207 such authority take any action against an incarcerated person or correctional employee: (i)
208 because of a disclosure of information by said incarcerated person to the office that the said
209 incarcerated person reasonably believes evidences wrongdoing under the office; (ii) as a reprisal
210 for submissions of an allegation of wrongdoing to the office by such said incarcerated person; or
211 (iii) as a reprisal for providing information or testimony pursuant to an investigation by the
212 office.

213 (w) The inspector shall prepare an annual report summarizing the investigations the
214 office made during the preceding year. The report shall be electronically sent and mailed to
215 incarcerated individuals. The report summaries shall include recommendations and updates, if
216 any, on the status of the recommendations in the prior summaries. The recommendations may
217 address issues discovered through the inspector's investigations, evaluations, surveys,
218 inspections, reviews and other related means of performing the duties of the office that will: (i)
219 increase accountability and legislative oversight of correction food services; (ii) improve
220 operations of the department and counties; (iii) identify and eliminate unhealthy, non-dietitian
221 approved, food substitutions being imposed on the incarcerated persons with the potential of
222 lowering monies spent on health care; (iv) eliminate monies being spent from the inmate food
223 account being expended on purchases not served to incarcerated person; and (v) improve the
224 overall quality of the food served to incarcerated persons, by deterring the potential of the misuse
225 of monies budgeted for incarcerated persons food, by ordering the foods calculated into the
226 incarcerated person's diet by the dietitian and preparing food according to dietitian approved
227 recipes and being able to make improvements while staying within the allotted budget.

228 (x) Annually, before December 31st, the inspector shall submit the report provided for in
229 subsection (w) to the: (i) governor; (ii) attorney general; (iii) state auditor; (iv) the food services
230 community council; (v) chairs of the joint committee on the judiciary; (vi) chairs of the joint
231 committee on public health; (vii) chairs of the joint committee on public safety and homeland
232 security; and (viii) clerks of the house of representatives and senate.

233 (y) Within the discretion of the inspector summaries of reports, investigations and other
234 job functions in the furtherance of the office's purpose shall be published on the office's website
235 and shall be made available to incarcerated persons quarterly.

236 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting, after
237 Section 2JJJJJ, the following section:-

238 Section 2KKKKKK. (a) There shall be established and set up on the books of the
239 commonwealth a separate fund, to be known as the Food Services Inspector Fund. It shall consist
240 of amounts credited to the fund in accordance with this section. The state auditor shall be the
241 custodian of the fund.

242 (b) The fund shall consist of: (i) revenue from appropriations or other money authorized
243 by the general court and specifically designated to be credited to the fund; (ii) interest earned on
244 money in the fund; and (iii) federal grants and other gifts, grants and donations. Amounts
245 credited to the fund shall not be subject to further appropriation and any money remaining in the
246 fund at the end of a fiscal year shall not revert to the General Fund.

247 (c) Money in the fund shall be expended to carry out the goals of the food services
248 inspector's office in the division of state audits of the state auditor established in section 18 of
249 chapter 11.

250 (d) The state auditor shall annually, not later than December 31, report on the activity of
251 the fund to the: (i) chairs of the joint committee on the judiciary; (ii) chairs of the joint
252 committee on public health; (iii) chairs of the joint committee on public safety and homeland
253 security; (iv) chairs of the house and senate committees on ways and means; and (v) clerks of the
254 house of representatives and senate.