

## DEPARTMENT OF JUSTICE

## Bureau of Prisons

## 28 CFR Part 547

[BOP-1044-P]

RIN 1120-AA37

## Special Food

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

**SUMMARY:** In this document, the Bureau of Prisons is proposing to revise its regulations on the introduction into institutions of special food or meals from outside sources. The revised provisions state more clearly that the Bureau is responsible for procuring and preparing any food or food ingredients served to the institution's inmate population. Special food or meals which may be served to specific groups of inmates rather than to the entire inmate population are identified as commissary food items, religious diet or ceremonial meals, and medical diet foods. This amendment is intended to provide for the secure and orderly operation of the institution.

**DATES:** Comments due by November 13, 1995.

**ADDRESSES:** Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

**SUPPLEMENTARY INFORMATION:** The Bureau of Prisons is proposing to amend its regulations on special foods (28 CFR 547.20). A final rule on this subject was published in the *Federal Register* May 1, 1981 (46 FR 24901).

Current provisions in 28 CFR 547.20 specify that, with stated exceptions, the

Bureau requires special food or meals prepared for and/or served to any group(s) of inmates also to be served to the institution's entire inmate population. In revising this section, the Bureau is emphasizing that it is responsible for procuring and preparing food or food ingredients to be served to the institution's inmate population. Any special food or meals to be distributed are therefore to be supplied by the Bureau. Food brought into the institution under an approved visiting program has consequently been removed from the list of exceptions, and the remainder of the stated exceptions have been revised for reasons of organization and clarity.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, 320 First Street, NW., HOLC Room 754, Washington, DC 20534. Comments received during the comment period will be considered before final action is taken. All comments received remain on file for public inspection at the above address. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

**List of Subjects in 28 CFR Part 547**

Prisoners.

**Kathleen M. Hawk,***Director, Bureau of Prisons.*

Accordingly, pursuant to the rulemaking authority vested in the

Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), it is proposed to amend part 547 in subchapter C of 28 CFR, chapter V as set forth below.

**SUBCHAPTER C—INSTITUTIONAL MANAGEMENT****PART 547—FOOD SERVICE**

1. The authority citation for 28 CFR part 547 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. Section 547.20 is revised to read as follows:

**§ 547.20 Policy.**

The Bureau of Prisons is responsible for procuring and preparing any food or food ingredients to be served to the institution's inmate population. Except as allowed for in paragraphs (a) through (c) of this section, the Bureau requires that special food or meals prepared for and/or served to any group(s) of inmates also be served to the institution's entire inmate population. Special food or meals, as identified in paragraphs (a) through (c) of this section, may be prepared and/or served to a specific group of inmates rather than to the entire inmate population of the institution.

(a) Food items sold in the institution's commissary.

(b) Religious diet or ceremonial meals (see 28 CFR 548.13).

(c) Medical diet foods.

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