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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** AB 2959                      **Hearing Date:** July 2, 2024  
**Author:** Ortega  
**Version:** February 16, 2024  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Prisons and jails: food*

## HISTORY

**Source:** Coalition for Family Unity

**Prior Legislation:** SB 474 (Becker), Ch. 609, Stats. 2023  
AB 1782 (Jones-Sawyer), vetoed in 2022  
SB 555 (Mitchell), vetoed in 2020  
SB 1138 (Skinner), Ch. 512, Stats. 2018

**Support:** A New Way of Life Reentry Project; ACLU California Action; California Public Defenders Association; Californians United for A Responsible Budget; Center on Juvenile and Criminal Justice; Communities United for Restorative Youth Justice; Ella Baker Center for Human Rights; Essie Justice Group; Initiate Justice Action; La Defensa; San Francisco Financial Justice Project; The Change Parallel Project; 3 individuals

**Opposition:** None known

**Assembly Floor Vote:** 60 - 4

## PURPOSE

*The purpose of this bill is to require all food items sold in prison vending machines to be priced at the same average market retail price as in the community in which the prison is located and encourage the provision of affordable, fresh, locally-sourced, and nutritious food items in prison vending machines.*

*Existing law* requires California Department of Corrections and Rehabilitation (CDCR) to maintain a canteen at an active prison or institution under its jurisdiction for the sale to incarcerated persons of toilet articles, candy, notions, and other sundries. Requires CDCR to provide the necessary facilities, equipment, personnel, and merchandise for the canteen. Requires the secretary to specify what commodities will be sold in the canteen. Prohibits the sale prices of the articles offered for sale from exceeding a 35-percent markup above the amount paid to the vendors. (Pen. Code, § 5005, subd. (a).)

*Existing law* requires CDCR to undertake to insure against damage or loss of canteen and handicraft materials, supplies, and equipment owned by the Inmate Welfare Fund (IWF). (Pen. Code, § 5005, subd. (b).)

*Existing law* requires the Department of Finance (DOF) to conduct a biennial audit of canteen operations at any prison or institution and requires the audit to be available to incarcerated persons, as specified. (Pen. Code, § 5005, subd. (c).)

*Existing law* requires all net proceeds from the operation of canteens to be deposited in the IWF. Provides that the moneys in the fund constitute a trust held by the Secretary of CDCR for the benefit and welfare of all persons incarcerated at CDCR instructions. (Pen. Code, § 5006, subd. (b).)

*Existing law* requires the money in the IWF be used solely for the benefit and welfare of inmates of prisons and institutions under the jurisdiction of CDCR, including the following:

- The establishment, maintenance, employment of personnel for, and purchase of items for sale to inmates at canteens maintained at the state institutions;
- The establishment, maintenance, employment of personnel, and necessary expenses in connection with the operation of the hobby shops at institutions under the jurisdiction of the CDCR;
- Educational programs, hobby and recreational programs, which may include physical education activities and hobby craft classes, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles; and,
- Funding for innovative programming by not-for-profit organizations offering programs that have demonstrated success and focus on offender responsibility and restorative justice principles. All funding used for this purpose shall go directly to the not-for-profit organizations and shall not be used for department staff or administration of the programming.  
(Pen. Code, § 5006, subd. (a)(1)(A)-(D).)

*Existing law* requires CDCR to provide each incarcerated person with sufficient plain and wholesome food of such variety as may be most conducive to good health and requires plant-based meals to be available. Defines “plant-based meals” to mean entire meals that contain no animal products or byproducts, including meat, poultry, fish, dairy, or eggs. (Pen. Code, § 2084.)

*This bill* requires CDCR to do all of the following:

- Require all food items sold in prison vending machines to be priced at the same average market retail price as in the community in which the prison is located.
- Take into consideration the research that exists on junk foods and snacks as a cause of obesity in children and families when providing food in the state prison.
- Encourage the provision of affordable, fresh, and nutritious food items in prison vending machines and the sourcing of food items from local farmers and producers.

## COMMENTS

### 1. Need For This Bill

According to the author:

AB 2959 is crucial to reducing the financial burden on families visiting their loved ones in CDCR facilities. The lack of regulation on food prices in these facilities results in significant markups, causing families to pay significantly more than local store prices. Despite CDCR increasing the allowed amount of money visitors can bring, vendors have also raised their prices, exacerbating the financial strain. AB 2959 will mandate that food prices in prison vending machines align with average market retail prices in the community where the prison is located.

### 2. Prison Canteens

Existing law requires CDCR to maintain a canteen at any prison or institution under its jurisdiction for the sale of toilet articles, candy, notions, and other sundries to incarcerated people. (Pen. Code, § 5005, subd. (a).) CDCR is also required to provide the necessary facilities, equipment, personnel, and merchandise for the canteen. (*Ibid.*) Regulations require each CDCR facility to establish a canteen enabling incarcerated prisons to make purchases of approved merchandise. (Cal. Code Regs., tit. 15, §§ 3090-3095.)

Beginning January 1, 2024, the sale prices of the articles offered for sale in a canteen are not to exceed a 35-percent markup above the amount paid to vendors. (Pen. Code, § 5005, subd. (a).) On January 1, 2028, the prices of the items in the canteen will revert to being set by the Secretary of CDCR at amounts that will render each canteen self-supporting—the protocol in place prior to the passage of SB 474 (Becker), Chapter 609, Statutes of 2023. Pursuant to regulations, facility staff are required to “consult with representatives of the inmate population when determining items to be stocked in the canteen for resale.” (Cal. Code Regs., tit. § 3090, subd. (a).)

The DOF is required to conduct biennial audits of canteen operations. (Pen. Code, § 5005, subd. (c).) In its most recent audit for Fiscal Year 2020-2021, the DOF reports that the net canteen sales across all CDCR institutions was \$89,465,128. (DOF, Office of State Audits and Evaluations, *Report No. 22-5225-029*, p. 12.) The cost of the goods sold totaled \$54,938,660. The gross margin from canteen sales totaled \$34,526,468, and canteen expenses totaled \$25,180,743. (*Id.* at p. 33.) As such, the total income from canteen sales across all CDCR institutions was \$9,345,725. (*Ibid.*)

### 3. Visiting Room Vending Machines

CDCR contracts with third party vendors for a variety of goods and services, including vending machines and the products sold in the machines. (<https://www.cdcr.ca.gov/obs/services-goods-types/>) Food items in visiting room vending machines are often the only food items visitors and the incarcerated individuals who they are visiting have access to because visitors are generally prohibited from bringing food into a CDCR facility. While CDCR does not control the prices charged by third party vendors or the items selected to put in the machines, it can prioritize contracting with third party vendors that have reasonable pricing and healthier food options.

This bill requires CDCR to require all food items sold in prison vending machines be priced at the same average market retail price as in the community in which the prison is located, take into consideration the research that exists on junk foods and snacks as a cause of obesity in children and families when providing food in the state prison, and encourage the provision of affordable, fresh, locally-sourced, and nutritious food items in prison vending machines.

#### 4. Argument in Support

Californians United for A Responsible Budget writes:

The bill would reduce markups on items sold in CDCR prison visiting room vending machines providing critical immediate relief for incarcerated people and their families. These savings will help to establish more financial stability for families impacted by incarceration, and ultimately strengthen community health, public safety, and re-entry outcomes.

...

The current practice of vending machine pricing contradicts these findings and creates an unfair burden on families who are visiting their incarcerated loved ones.

Since 2007, the California Department of Corrections and Rehabilitation (CDCR), deemed it necessary to increase the amount of money families are allowed to bring to visit to compensate for increased vending prices. In 2019, CDCR was still concerned with the increase in vending prices and were seeking to prevent price gouging. Families were allowed to bring more money to visits, once again, to compensate for the increased vending machine prices. Nevertheless, during and since COVID, families have been placed under an unfair burden of further increased prices. The mark ups tend to be 4-6 times the retail price.

Visits are an integral part of maintaining family contact and are a rehabilitative mechanism that is recognized to reduce recidivism. Part of visiting is eating a meal together. ... Sharing a meal with a family and/or friend deepens those bonds, and they can shape healthy eating habits. ...

There are many challenges and costs to maintaining relationships and family ties while a loved one is incarcerated. ... The exorbitant pricing for food in vending machines does not align with the mission of rehabilitation since it discourages the use of this proven component to reduce recidivism.

This bill would be another step for California's legislature in combating poverty, racial inequity, and mass incarceration, following on the heels of recent, bold reforms in our state to repeal administrative fees in the criminal system (AB 1869), eliminate fees for prison phone calls (SB 1008), and reduce markups on canteen prices (SB 474). Investing in financial stability for justice-involved families is a critical and evidence-based strategy for improving reentry outcomes and is an investment in public safety for all Californians.

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