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AMENDED IN SENATE MARCH 22, 2018

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

SENATE BILL**No. 1138**

Introduced by Senator Skinner

February 13, 2018

An act to add Section 1265.10 to the Health and Safety Code, and to amend Section 2084 of the Penal Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as amended, Skinner. Food options: plant-based meals.

(1) Existing law requires a licensed general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, special hospital, and nursing facility to employ a dietitian. Existing law imposes criminal sanctions for a violation of provisions, or willful or repeated violations of rules or regulations adopted pursuant to provisions, relating to these licensed facilities.

This bill would require these licensed facilities to make available wholesome, plant-based meals of such variety as to meet the needs of patients in accordance with their physicians' orders. The bill would exclude this requirement from the criminal sanctions.

(2) Existing law requires each *prison* inmate to be provided with sufficient plain and wholesome food of such variety as may be most conducive to good health.

This bill would require the food provided to *those* inmates to include the availability of plant-based meals.

(3) This bill would make legislative findings and declarations in support of its provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Public institutions such as licensed health care facilities and state prisons that provide food to "captive audiences" have a particular responsibility to provide ~~the healthiest possible food options. Plant-based meals have no cholesterol, provide much needed fiber and other nutrients, are acceptable to most religions and ethical dietary beliefs, and pose fewer problems for people with common food sensitivities, including egg and dairy allergies.~~ *a diversity of healthy meals that are acceptable to most religions, those with ethical dietary beliefs, and those with known food sensitivities.*

(b) In 2017, the American Medical Association adopted a policy, entitled Healthy Food Options in Hospitals (H-150.949), that calls on hospitals to improve the health of patients, staff, and visitors by providing a variety of healthful food, including plant-based meals.

(c) Inmates are required to be provided with sufficient plain and wholesome food of such variety as may be most conducive to good health. Plant-based ~~meals, containing the healthiest possible foods,~~ *meals* are mostly unavailable to inmates. Vegetarian meals are required to be provided upon request of an inmate with any religious, personal, or ethical dietary need, but often times, these meals are not strictly plant based and contain milk or egg products.

~~(d) Requiring plant-based meals to be served in licensed California health care facilities and state prisons will help address cancer prevention and provide an example of healthful eating to the general public.~~

SEC. 2. Section 1265.10 is added to the Health and Safety Code, to read:

1265.10. (a) A licensed health facility, as defined in subdivision (a), (b), (c), (d), (f), or (k) of Section 1250, shall make available wholesome, plant-based meals of such variety as to meet the needs of patients in accordance with their physicians' orders.

(b) Notwithstanding any other law, including, but not limited to, Section 1290, a violation of this section shall not constitute a crime.

(c) For the purposes of this section, "plant-based meals" shall mean entire meals that contain no animal products or byproducts, including meat, poultry, fish, dairy, or eggs.

SEC. 3. Section 2084 of the Penal Code is amended to read:

2084. (a) The department shall provide each prisoner with a bed, sufficient covering of blankets, and with garments of substantial material and of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive to good health and that shall include the availability of plant-based meals.

(b) For the purposes of this section, "plant-based meals" shall mean entire meals that contain no animal products or byproducts, including meat, poultry, fish, dairy, or eggs.