STATE OF NEW YORK

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2019-2020 Regular Sessions

IN ASSEMBLY

February 1, 2019

Introduced by M. of A. GOTTFRIED, MOSLEY, L. ROSENTHAL, EPSTEIN, ORTIZ, THIELE, D'URSO, DE LA ROSA, PAULIN, REYES, BLAKE, JEAN-PIERRE, TAYLOR, JAFFEE, BARRON, GLICK, SOLAGES, SEAWRIGHT, HYNDMAN, FERNANDEZ, DICKENS, SAYEGH -- Multi-Sponsored by -- M. of A. COOK, ENGLEBRIGHT, GALEF, M. L. MILLER -- read once and referred to the Committee on Health -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to offering plant-based food options in hospitals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 2827 to read as follows:

§ 2827. Plant-based food options. 1. Upon request by a patient or the patient's lawful representative in a hospital providing inpatient or residential care, the hospital shall offer the patient a plant-based food option as an alternative to every meal or snack offered in food service to the patient. All the hospital's written material describing food offerings shall include the availability of a plant-based food option. The plant-based food option shall be offered at no additional cost to the patient beyond what would be charged for a comparable non-plant-based food option.

2. The hospital shall respond in a reasonable manner and time to any request made under this section. The request shall be effective for every hospital meal or snack in which the patient is reasonably expected to participate. This section does not preclude the offering of plant-based food options to patients who have not requested it, and does not preclude an individual who has requested a plant-based food option from selecting a non-plant-based food option.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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3. As used in this section:

(a) "Plant-based food option" means a food or beverage that is free of animal products and that has nutritional value comparable to the non-plant-based food option that it replaces.

(b) "Animal product" means meat, poultry, seafood, dairy, eggs, honey, and any derivative thereof.

4. This section shall not apply to patient nutritional support products including, but not limited to, infant formulas, nutritional modulars, oral nutritional supplements, enteral nutrition formulas, and parenteral or intravenous nutrition, prescribed or ordered by a health care professional, licensed, certified or otherwise authorized to practice under title eight of the education law, acting within the professional's lawful scope of practice. However, where a request is made under subdivision one of this section, and a health care professional is considering prescribing or ordering a patient nutritional support product under this subdivision, the health care professional shall consider and advise the requester whether a medically suitable plant-based food option is reasonably available.

§ 2. This act shall take effect one year after it shall have become a law. Effective immediately, the commissioner of health may make regulations and take other actions reasonably necessary to implement this act on that date.