

**State of California  
Office of Administrative Law**

In re:  
Department of Corrections and  
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Amend sections: 3000, 3095, 3999.98,  
3999.205, 3999.396

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2023-0427-02

OAL Matter Type: Regular Resubmittal (SR)

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This action defines canteen open line and reading glasses and describes the process for accessing reading glasses.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2023.

Date: May 31, 2023



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Ashita Mohandas  
Attorney

For: Kenneth J. Pogue  
Director

Original: Ralph Diaz, Secretary  
Copy: Robin Hart

NOTICE PUBLICATION/REGULATIONS SUBMISSION

RESUBMITTAL

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2022-0426-03	2023-0427-02 SR	

ENDORSED - FILED in the office of the Secretary of State of the State of California

MAY 31 2023

1:45 PM

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS
OFFICE OF ADMIN. LAW 2023 APR 27 PM4:51	

AGENCY WITH RULEMAKING AUTHORITY California Department of Corrections and Rehabilitation	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Reading Glasses	TITLE(S) 15	FIRST SECTION AFFECTED 3000	2. REQUESTED PUBLICATION DATE May 6, 2022
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Robin Hart	TELEPHONE NUMBER 916-896-6780	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2022, 18-2	PUBLICATION DATE 5/6/22

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Reading Glasses	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0812-02
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND 3000, 3095, 3999.98, 3999.205, 3999.396
REPEAL
TITLE(S) 15

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
February 28, 2023- March 14, 2023

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §5 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)  
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))  Effective on filing with Secretary of State  §100 Changes Without Regulatory Effect  Effective other (Specify) \_\_\_\_\_

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Robin Hart	TELEPHONE NUMBER 916-896-6780	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DocuSigned by: Jeffrey Macomber	DATE 4/19/2023
TYPED NAME AND TITLE OF SIGNATORY Jeff Macomber, Secretary, California Department of Corrections and Rehabilitation		

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 31 2023

Office of Administrative Law

## FINAL TEXT OF REGULATIONS

In the following, strikethrough indicates deleted text and underline indicates added text.

### California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs, and Parole

#### Chapter 1. Rules and Regulations of Adult Operations and Programs

##### Article 1. Behavior

Section 3000 is amended to incorporate in alphabetical order the following, and all other text within this section remains the same:

##### Section 3000. Definitions

Canteen Open Line means affording inmates access to canteen services outside of their scheduled draw each month.

Note: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203(b)(1), 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3007.05, 3020, 3450, 3550, 4570, 4576, 5005, 5009, 5050, 5054, 5068, 7000 et seq., 7286.5, 11180, and 11191 Penal Code; Sections 1132.4, and 1132.8, ~~and 1203(b)(1)~~ Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Section 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; *Madrid v. Cate* (USDC ND Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, No. C 14-02726 JST.

#### Subchapter 2. Inmate Resources

##### Article 1. Canteens

Section 3095. is amended to read:

##### Section 3095. Nonroutine Canteen Draws

(a) Inmates unable to make purchases during their scheduled draw shall be allowed to make purchases during canteen open line of the current month.

~~(a)~~ A newly arrived inmate may within 30 days of arrival be permitted to make purchases at the canteen during any scheduled draw. Such exceptions shall not be made for the inmate's subsequent draws.

~~(b)~~ Conservation camp inmates shall submit their request for canteen draw to the camp lieutenant or designee.

(ed) Segregated inmates shall not be permitted to go to the canteen and shall submit their canteen shopping list to the segregation unit staff.

(de) Infirmiry patients shall submit their requests for canteen purchases to the infirmiry unit staff.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5005 and 5054, Penal Code.

## **Chapter 2. Rules and Regulations of Health Care Services**

### **Article 1. Health Care Definitions**

**Section 3999.98 is amended to incorporate in alphabetical order the following, and all other text within this section remains the same:**

#### **Section 3999.98. Definitions.**

Reading Glasses means ready-made, single-vision glasses that are designed to lessen the focusing burden during up close activities, such as reading.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

### **Subchapter 2. Patients Entitlements and Responsibilities**

#### **Article 1. Provisions of Health Care Services**

##### **3999.205 Over-the-Counter Products**

**Subsections (a) through (f)(1) remain unchanged.**

(g) Patients unable to receive their OTC products during their scheduled canteen draw shall be allowed to receive their OTC products during canteen open line of the current month.

**Subsections (h) through (h)(2) remain unchanged.**

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

### **Subchapter 3. Health Care Operations**

#### **Article 9. Durable Medical Equipment/Supplies and Accommodations**

**Section 3999.396 is renumbered and moved to Subchapter 2, Patients Entitlements and Responsibilities, Article 1, Provisions of Health Care Services, and amended to read:**

**~~3999.396~~ 3999.208. Reading Glasses.**

~~(a) The Department shall provide and distribute~~ Patients shall be allowed to acquire one pair of approved reading glasses every 12 months through the inmate canteen services system process without cost to the patient or a need for a health care providers' prescription. A replacement pair of reading glasses shall be provided at no cost if loss or damage was not the fault of the patient.

(b) An eye chart shall be available next to the canteen to allow patients to self-identify which strength of reading glasses is most suitable.

(1) Patients in a restricted housing unit (e.g., Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, Mental Health Crisis Bed, Psychiatric Inpatient Program, etc.) can request an eye chart from their respective housing unit custody staff to self-identify which strength of reading glasses is most suitable and it shall be provided.

~~(bc)~~ Patients in the Reception Center shall have access to reading glasses through the canteen within 30 calendar days of arrival.

~~(ed)~~ Patients unable to receive their reading glasses during the first scheduled canteen draw shall be allowed to receive their reading glasses during canteen open line of the current month.

(1) If a patient loses canteen privileges as the result of a ~~serious~~ disciplinary hearing, the patient shall not be excluded from obtaining reading glasses.

~~(de)~~ Reading glasses shall be considered a portion of each patient's personal property and shall not be exempted from the property quantity and volume restrictions as specified in the Authorized Personal Property Schedule.

~~(ef)~~ If a licensed health care clinician determines that a specific patient does not possess the ability to utilize reading glasses ~~responsibly or~~ safely, the patient shall be restricted from access to any reading glasses deemed unsafe in their professional opinion.

~~(fg)~~ Custody staff shall not confiscate reading glasses within the allowable limitations, as specified in the Authorized Personal Property Schedule, without a legitimate custodial safety and security concern, which shall be documented in the Strategic Offender Management System, and If custody places a restriction for safety and security reasons it must be supported by a guilty finding in a disciplinary hearing for a serious rule violation involving the misuse of reading glasses.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Armstrong Remedial Plan. *Armstrong v. Newsom* (No. C94-2307 CW), U.S. District Court, Northern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.