

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1967 (Jackson) – As Amended April 16, 2024

**SUBJECT:** Food Insecurity Officer

**SUMMARY:** Establishes a Food Insecurity Officer within the California Department of Social Services (CDSS) to coordinate and address food insecurity across state government operations, including, but not limited to, increasing enrollment of the CalFresh Program for seniors, families with children, individuals leaving incarceration, and formerly incarcerated individuals; piloting coverage of medically tailored meals in the Medicare Program, addressing access to food and affordability; and, seeking applicable federal waivers or exemptions, as appropriate. Specifically, **this bill:**

- 1) Establishes, within CDSS, a Governor’s appointed Food Insecurity Officer.
- 2) Requires the Food Insecurity Officer to report to the Secretary, or the Secretary’s designee, of the California Health and Human Services Agency.
- 3) Requires the Food Insecurity Officer to coordinate and address food insecurity across state government operations, and authorizes the Food Insecurity Officer to engage with state entities, including, but not limited to, the California Department of Food and Agriculture (CDFA), the California Department of Public Health, the California Department of Aging, the California Department of Corrections and Rehabilitation, the California Department of Health Care Services, and the California Department of Education to address food insecurity and access within state entities.
- 4) Requires the Food Insecurity Officer, as part of their duties, to include, but not be limited to, the following:
  - a) Advance benefit adequacy by establishing strategy and plans for benefit level adequacy under the CalFresh Program and the California Food Assistance Program (CFAP) and focus on increasing enrollment for seniors, families with children, individuals leaving incarceration, and formerly incarcerated individuals;
  - b) Improve health outcomes by integrating nutrition and health, including through:
    - i) Working to pilot coverage of medically tailored meals in the Medicare Program;
    - ii) Testing Medicaid coverage of nutrition education;
    - iii) Other nutrition supports pursuant to a waiver; and,
    - iv) Expanding access of Medicaid and Medicare beneficiaries to nutrition and obesity counseling.
  - c) Improve food access by addressing access to food and affordability, improve the resilience and interconnection of food systems, and improve and increase access to free

and nourishing charitable food resources sourced in California, including disaster response; and,

- d) Seek applicable federal waivers or exemptions, as appropriate.
- 5) Requires the Food Insecurity Officer to, beginning January 1, 2026, annually submit a report to the relevant policy and budget committees of the Legislature that contains all of the following information:
- a) Overall statewide food insecurity rates;
  - b) Food insecurity rates among seniors, families with children, individuals leaving incarceration, and formerly incarcerated individuals, to the extent that data is available;
  - c) Overall enrollment rates of individuals and households eligible for CalFresh and CFAP;
  - d) Enrollment rates for eligible seniors, families with children, individuals leaving incarceration, and formerly incarcerated individuals in CalFresh and CFAP;
  - e) Budgetary and policy recommendations to combat food insecurity in the state; and,
  - f) Budgetary and policy recommendations to improve enrollment rates in state and federal food and nutrition programs.
- 6) Requires the Food Insecurity Officer to consult with relevant state entities and stakeholders to fulfill the reporting requirements described in 5) above.

#### **EXISTING LAW:**

##### State law:

- 1) Declares that every human being has the right to access sufficient affordable and healthy food as an established state policy. (Welfare and Institutions Code [WIC] § 18700)
- 2) Establishes the CalFresh program to administer the provision of federal Supplemental Nutrition Assistance Program (SNAP) benefits to families and individuals meeting certain criteria, as specified. (WIC § 18900 *et seq.*)
- 3) Establishes CFAP to provide assistance for persons who are not eligible for federal SNAP benefits due solely to their immigration status, as specified. (WIC § 18930 *et seq.*)
- 4) Provides that CFAP benefits to a household be identical to the amount of CalFresh benefits if the household is eligible. (WIC § 18930(d)(1))
- 5) Requires, to the extent allowed by federal law, the delivery of CFAP benefits be identical to the delivery of CalFresh benefits. (WIC § 18930(d)(3))

##### Federal law:

- 6) Establishes under federal law the SNAP pursuant to the Food Stamp Act of 1964. (7 United States Code § 2011 *et seq.*)

- 7) Establishes citizenship requirements for SNAP benefits, including that undocumented immigrants are ineligible for SNAP, as specified. (7 Code of Federal Regulations § 273.4)

**FISCAL EFFECT:** Unknown, this bill has not been analyzed by a fiscal committee.

**COMMENTS:**

**Background:** *Food Insecurity in California.* The United States Department of Agriculture (USDA) defines “food insecurity” as the occasional or constant lack of access to the food that one needs in order to live a healthy, active life. It is considered a household-level economic and social condition while hunger is the individual-level physiological condition that may result from food insecurity. While California declared food as a human right in 2023 and produces nearly half of the nation’s fruits and vegetables, about 8 million Californians currently struggle with food insecurity, representing 20.3% of the state’s population. Factors contributing to food insecurity include economic disparities, high living costs, limited access to affordable nutrition options, and systemic barriers such as racism and discrimination.

Economic factors play a significant role in driving food insecurity, particularly among low-income households. Many Californians struggle to afford basic necessities like housing, healthcare, and transportation, leaving little room in their budgets for nutritious food. High living costs, especially in urban areas like Los Angeles and San Francisco, further exacerbate this challenge, pushing individuals and families into situations where they must choose between paying for rent or putting food on the table.

Limited access to affordable and nutritious food options, commonly referred to as food deserts, is another critical aspect of food insecurity in California. In rural areas, residents may have to travel long distances to reach grocery stores or farmers’ markets, while in urban neighborhoods, access to fresh produce and healthy food choices may be scarce. Transportation barriers, inadequate public transportation, and the prevalence of fast food restaurants and convenience stores offering unhealthy, processed foods compound the lack of access to healthy food. The USDA defines “limited access” as living more than a mile from a large grocery store for urban communities and more than 10 miles for rural areas. In 2016, the California Endowment’s FreshWorks Food Access Report stated that “nearly one million Californians, 45% of whom are low-income, live without access to nearby supermarkets or large grocery stores.”

Moreover, systemic issues such as racism and discrimination disproportionately impact marginalized communities, including Black, Latinx, and Indigenous populations, immigrants, and individuals with disabilities, exacerbating their vulnerability to food insecurity. Data from the United States Census Bureau’s Household Pulse Survey shows that by March 2022, food insecurity for households with children in California was at 25.8%, with deep disparities for Black and Latinx households at 28.7% and 31.2%, respectively.

Beyond mere hunger, a lack of adequate food can have long-term physical and mental health consequences, particularly for children. Chronic diseases such as diabetes, obesity, and cardiovascular conditions are more prevalent among food-insecure individuals due to poor nutrition and limited access to healthcare. Children growing up in food-insecure households are at risk of developmental delays, academic struggles, and long-term health consequences, perpetuating intergenerational cycles of poverty and food insecurity.

*CalFresh.* SNAP is the largest federal nutrition assistance program designed to provide nutrition assistance to low-income families and individuals in the United States (U.S.) Administered by CDSS, CalFresh is California's version of SNAP, which provides monthly benefits to help eligible households purchase nutritious food items. A CalFresh household is a group of people who live together, buy food and prepare meals together, meet CalFresh eligibility requirements, and are approved for CalFresh benefits. Participants receive benefits on Electronic Benefit Transfer (EBT) cards, which can be used to purchase eligible food items such as fruits and vegetables, meat, dairy products, and seeds and plants that produce food at authorized retailers, including grocery stores, supermarkets, and farmers' markets.

The USDA sets specific eligibility requirements for SNAP programs across the country, including gross and net income, household size, assets, and certain expenses. Eligible households must have gross incomes at or below 200% of the federal poverty level, although specific income limits may vary depending on household composition. Households with a member 60 years or older or who has a disability are not subject to gross income criteria, and instead, would need to meet the net income limit after allowable deductions for that household size. If all members of the households are receiving some type of cash assistance, then the household may be categorically eligible, regardless of its gross or net income, which means that the applicant is automatically eligible for CalFresh because they qualify for a program that has similar requirements. CalFresh eligibility and enrollment are tracked by the California Statewide Automated Welfare System (CalSAWS).

Effective October 1, 2023, through September 30, 2024, the maximum annual gross income for a household size of three is \$49,728. Starting in 2019-20, individuals 65 years and older became newly eligible to receive CalFresh benefits as a way to increase enrollment among SSI/SSP recipients. There are an estimated 500,000 SSI/SSP recipients eligible for CalFresh every year. CalFresh benefits are calculated based on household size, income, and deductible living expenses, with maximum benefit levels adjusted annually based on changes in the cost of living. According to the Legislative Analyst's Office (LAO), about 5.1 million Californians received a total of \$14.5 billion in CalFresh benefits, all of it federally funded, for an average monthly benefit of about \$185 per recipient in 2022-23.

*California Food Assistance Program.* The federal government imposed restrictions on federal food assistance by prohibiting eligibility for legal permanent residents (LPRs) until they had resided in the U.S. for five years. States were granted the option by the federal government to offer state-funded food assistance to this population, including LPRs who had arrived less than five years prior. In response, California established CFAP to provide state-funded food assistance to eligible noncitizens using the same EBT and CalSAWS systems as CalFresh to distribute benefits. Through the EBT system, the federal government directly deposits funds into the accounts of participating households, with the state later reimbursing the federal government for these expenditures.

CFAP benefits are equivalent to those provided by CalFresh and vary based on factors such as household size, income, and deductible expenses. In the 2022-23 fiscal year, CFAP benefits amounted to \$78 million from the General Fund, with an average monthly benefit of \$159 per person. In April 2023, the Public Policy Institute of California (PPIC) reported that CFAP served about 42,000 noncitizens. Certain noncitizens, such as those who are undocumented, are currently ineligible for CFAP based on their immigration status.

According to CDSS, examples of individuals eligible for CFAP include noncitizens who are:

- LPRs who have not met the five-year U.S. residency requirements or 40 qualifying work quarters criteria;
- Parolees;
- Conditional entrants; or,
- Battered or abused.

The April 2023 PPIC report further revealed that California is home to 10.5 million immigrants, representing almost 25% of the entire U.S. immigrant population. As of 2019, data from the Center for Migration Studies indicated that 22% of these immigrants were undocumented, while the remaining 78% possessed legal status, such as being naturalized citizens, visa holders, or LPRs. Recent spending plans have allocated funding to extend CFAP to all income-eligible noncitizens 55 years and older, regardless of immigration status, to begin in October 2025. The LAO reports that CalFresh and CFAP served about 3.2 million households total in June 2023.

Research has demonstrated the positive impact of CalFresh and CFAP participation on food security, dietary quality, and overall health outcomes among low-income individuals and families. Food insecurity refers to the lack of consistent access to enough food for an active, healthy life. By increasing access to nutritious foods, CalFresh and CFAP help reduce the risk of chronic diseases, such as obesity, diabetes, and heart disease, while promoting healthy growth and development.

*Barriers to Accessing CalFresh & CFAP.* While CalFresh & CFAP have made significant strides in addressing food insecurity and promoting healthy food access, persistent challenges remain when it comes to maximizing participation. For example, CalFresh participation rates have historically been lower than eligibility rates, with many eligible individuals and households failing to enroll in the program. USDA 2018 data shows that compared to the national SNAP participation rate of 82% and states like Florida (84%), Georgia (84%), and Illinois (100%), California ranks nearly last with a 70% participation rate. On a county level, there are also stark differences from county to county on CalFresh enrollment rates for eligible individuals or families, with a 97% participation rate in Fresno compared to 52% in Contra Costa in 2017. Suboptimal participation rates compared to other states lead to an underutilization of vital resources and missed opportunities to address food insecurity and hunger. With suboptimal participation rates compared to other states and even within counties, the results are the same — underutilization of vital resources and missed opportunities to address food insecurity and malnutrition.

For many eligible individuals, barriers to CalFresh & CFAP participation include a lack of awareness about program eligibility and benefits, stigma associated with receiving public assistance, complex application procedures, language barriers, lack of internet access, and fear of losing benefits from other social services programs. For county workers who process applications, enrollment processes require substantial administrative resources, including staffing, paperwork processing, and verification procedures, which can strain agency capacities and prolong wait times for applicants, especially for large counties like Los Angeles County that processed at least 1.4 million applications in 2020.

This setback not only hinders efforts to eradicate hunger, but also deals a considerable blow to California's food economy. The USDA has shown that each dollar in federally funded CalFresh benefits generates \$1.79 in economic activity. Additionally, every \$1 billion in benefits leads to the creation of over 10,000 jobs across various sectors, including farm labor, transportation, and retail. By maximizing CalFresh participation alone, the state could potentially receive \$1.8 billion annually in federally funded food benefits, resulting in over \$3.3 billion in total annual economic activity. On the flip side, hunger costs the U.S. economy at least \$77.5 billion in healthcare costs every year through higher rates of chronic disease, higher utilization of health and mental healthcare services, more frequent and high-cost hospitalizations and more frequent use of nursing homes. Research has demonstrated a reduction in healthcare costs of \$1,400 per person per year among low-income adults who also receive SNAP benefits, a finding that indicates state Medicaid programs could see significant savings from increased SNAP participation.

There have been efforts to improve the CalFresh participation rate, which have focused on outreach and education, simplification of application processes, and addressing barriers specific to vulnerable populations, such as seniors, individuals with disability, and immigrant communities. In addition to expanding CFAP eligibility to noncitizens aged 55 or older in 2025 and expanding CalFresh eligibility to SSI/SSP recipients in 2019, there has been other state initiatives that increased access to nutritious food through the California Fruit and Vegetable EBT Pilot Project, which ended on April 14, 2024. For every \$1 of CalFresh EBT spent on any fresh fruits and vegetables at a participating retailer, CalFresh recipients got \$1 back on their EBT card to spend on any CalFresh EBT-eligible food. The pilot provided \$1.9 million in rebates for fruits and vegetables to 43,000 households spread across 44 counties in February 2024, comprising an estimated 75,000 individuals who were able to afford more fresh fruits and vegetables.

*Food Insecurity Officer.* In light of these ongoing challenges and efforts to improve CalFresh participation rates, this bill aims to establish a dedicated Food Insecurity Officer within CDSS to serve as the central point of coordination and leadership, as well as develop and implement strategies to comprehensively address food insecurity across the state. Establishing the Food Insecurity Officer recognizes gaps and inefficiencies in the current approach to addressing food insecurity. While various state programs provide food assistance to individuals and families in need, these efforts are often fragmented. As a result, resources may be underutilized, duplication of efforts may occur, and certain populations may fall through the cracks of the system, including seniors, families with children, and individuals leaving incarceration.

By establishing a Food Insecurity Officer within CDSS, California can leverage leadership of several divisions, branches, and offices within CDSS dedicated to relevant issues, such as the Immigrant Integration Branch, Children & Family Services Division, and the CalFresh & Nutrition Branch, and coordination to overcome these challenges. This bill further aims to align efforts across state agencies, streamline processes, and maximize the impact of existing resources. Through strategic planning and collaboration, the Food Insecurity Officer has the potential to identify and address systemic barriers to food access, develop innovative solutions for increasing CalFresh & CFAP enrollment, and ensure that no Californian goes hungry, especially among vulnerable populations. By elevating the issue to a higher level of visibility within CDSS, this bill sends a clear message that addressing food insecurity is a top priority.

In addition to enrollment initiatives, this bill prioritizes improving health outcomes through nutrition interventions, including piloting coverage of medically tailored meals in the Medicare program, testing Medicaid coverage of nutrition education, and expanding access to nutrition and obesity counseling for Medicaid and Medicare beneficiaries. By integrating nutrition and health initiatives, this bill seeks to address the underlying health disparities associated with food insecurity and promote holistic well-being.

Lastly, this bill emphasizes the importance of improving food access and affordability, enhancing the resilience and interconnection of food systems, and increasing access to free and nourishing charitable food resources sourced in California. These efforts are crucial for addressing the structural barriers that contribute to food insecurity and ensuring that all Californians have access to nutritious food options, regardless of their age, immigration status, socioeconomic status, or geographic location. This bill would further require the Food Insecurity Office to seek any necessary waivers or exemptions, as appropriate.

**Author’s Statement:** According to the Author, “[This bill] seeks to create a Food Insecurity Officer within the California State Department of Social Services, tasked with coordinating and addressing food insecurity throughout state government operations.

“The bill would authorize the Food Insecurity Officer to engage with state entities and seek waivers from the federal government for these purposes.

“Under [this bill], the Food Insecurity Officer would focus on increasing SNAP enrollment for seniors, families with children, individuals leaving incarceration, and formerly incarcerated individuals.”

**Equity Implications:** Hunger and lack of access to healthy foods disproportionately impact vulnerable communities, particularly among low-income individuals, pregnant women, households with children, Black and Latinx populations, immigrants, people who are disabled, and the elderly often face greater food hardship.

According to a 2021 analysis by the Center on Budget and Policy Priorities of the Census Bureau's Household Pulse Survey, 18 million adults in the U.S. reported that their households didn't have enough to eat sometimes or often in the past week. In California, alarming rates of food insecurity were found among minority communities, with 40% of Black households and 30% of Latinx households reporting food insecurity. Moreover, a study of four tribes across Northern California revealed that a staggering 92% of Native American households suffer from food insecurity.

CalFresh and CFAP play a crucial role in combating food insecurity by supplementing household food budgets that enable recipients to purchase a variety of nutritious foods. By establishing a Food Insecurity Officer within CDSS, this bill aims to comprehensively address food insecurity through streamlining coordination across state entities, centralizing efforts, maximize CalFresh & CFAP participation, and increase access to nutritious foods.

#### **RELATED AND PRIOR LEGISLATION:**

**AB 1961 (Wicks) of the current legislative session**, subject to appropriation from the Legislature, requires the Strategic Growth Council, in consultation with specified agencies, to convene the End Hunger in California Master Plan Task Force to develop strategies for ensuring

access to healthy and culturally relevant food for all Californians. *AB 1961 is pending before the Assembly Appropriations Committee and set for a hearing on April 24, 2024.*

***AB 1968 (Jackson) of the current legislative session***, requires CDSS, by January 1, 2026, and annually thereafter, to establish a system for automatic enrollment in the CalFresh program and CFAP for individuals who meet eligibility requirements of the Supplemental Security Income/State Supplementary Program and Cash Assistance Program for Immigrants (CAPI). *AB 1968 is pending before the Assembly Appropriations Committee and set for a hearing on April 24, 2024.*

***SB 628 (Hurtado), Chapter 879, Statutes of 2023***, declared that it is the established policy of the state that every human being has the right to access sufficient, affordable, and healthy food and requires all relevant state agencies to consider this policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the distribution of sufficient affordable food.

***AB 311 (Santiago) of 2023***, would have expanded eligibility for CFAP to any individual whose immigration status is the sole basis for their ineligibility for CalFresh by removing the 55 years of age and older limit on eligibility. *AB 311 was set to be heard in the Senate Human Services Committee but was canceled at the request of the author.*

***AB 2153 (Arambula) of 2021***, would have established the California Fruit and Vegetable Supplemental Benefit Expansion Program and would have required CDSS to enroll authorized retailers to provide supplemental benefits to CalFresh recipients who purchase California-grown fresh fruits and vegetables. *AB 2153 was held on the Assembly Appropriations suspense file.*

***AB 1965 (Wicks) of 2021***, would have required CDSS to establish the California Antihunger Response program to provide state-funded benefits to individuals deemed ineligible for CalFresh as a result of the able-bodied adult without dependents time limit if a statewide time limit waiver is not granted by the federal government. *AB 1965 was vetoed by Governor Gavin Newsom.*

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

San Francisco-Marin Food Bank (Co-Sponsor)  
Young Invincibles (Co-Sponsor)  
Calfresh Coalition for AB1967  
California Grocers Association  
California Immigrant Policy Center  
California Student Aid Commission  
Compass Family Services  
County Health Executives Association of California (CHEAC)  
County of Marin  
GLIDE  
Golden Gate Restaurant Association (GGRA)  
Housing Action Coalition (UNREG)  
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties  
Marin Food Policy Council

Mayor of City & County of San Francisco London Breed  
Neighborhood Business Alliance  
Peninsula Family Service  
Purfoods, LLC aka Mom's Meals  
San Francisco Food Security Task Force

**Opposition**

None on file.

**Analysis Prepared by:** Bri-Ann Hernández / HUM. S. / (916) 319-2089