

Date of Hearing: March 25, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 553 (Caloza) – As Amended March 17, 2025

SUBJECT: CalFresh: food access

SUMMARY: Requires the California Department of Social Services (CDSS) to maximize all available food choices for CalFresh recipients pursuant to the Federal Food and Nutrition Act of 2008. Specifically, **this bill:**

- 1) Strikes the requirement that CDSS must seek all available federal waivers and approvals necessary to maximize food choices for CalFresh recipients under federal law and guidance.
- 2) Requires CDSS to maximize all available food choices for CalFresh recipients, including, but not limited to, hot foods or hot food products ready for immediate consumption, pursuant to the federal definition of “food” for purposes of the Supplemental Nutrition Assistance Program (SNAP).

EXISTING LAW:

State law:

- 1) Establishes the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting certain criteria, as specified. (Welfare and Institutions Code Section [WIC] § 18900 *et seq.*)
- 2) Requires CDSS and county human services agencies, if the President of the United States (U.S.) issues a Major Disaster Declaration with Individual Assistance (IA), to request to operate a federal Disaster Supplemental Nutrition Assistance Program for the regions affected by the major disaster. The request shall include a waiver request to provide automatic, mass replacement benefits to eligible households and a waiver request to allow households to purchase hot, prepared foods at authorized retailers with their benefits. (WIC § 18917(d))
- 3) Provides legislative intent that CDSS shall maximize the capacity of counties to maintain timely, adequate, and safe access to all applicable benefits during a disaster. (WIC § 18917(e))
- 4) Establishes the Restaurant Meals Program (RMP) under SNAP to allow eligible recipients who are experiencing homelessness, are elderly, or have a disability, to purchase hot and prepared food from participating restaurants. (7 United States Code [U.S.C.] § 2020; WIC § 18919 *et seq.*)
- 5) Provides legislative intent to maximize food access for all CalFresh recipients. Further provides that many of the hungriest Californians who rely on CalFresh to eat face the most significant barriers, including the lack of kitchen facilities or means of preparing and cooking meals with groceries, special dietary needs, or specific foods required for medications,

among other factors that strain the ability of traditional groceries to meet their needs. (WIC § 18919.1(a))

- 6) Requires CDSS to seek all available federal waivers and approvals to maximize food choices for CalFresh recipients, including hot and prepared foods ready for immediate consumption. (WIC § 18919.1(b))
- 7) Specifies “restaurant” includes, but is not limited to, an on-campus qualifying food facility, an eat-in establishment, a grocery store delicatessen, and a takeaway-only restaurant. (WIC § 18919(g))

Federal law:

- 8) Establishes under federal law the SNAP pursuant to the Food Stamp Act of 1964. (7 U.S.C. § 2011 *et seq.*)
- 9) Defines “eligible food” as: any food or food product intended for human consumption, except alcoholic beverages, tobacco, hot foods and hot food products prepared for immediate consumption; seeds and plants to grow foods for the personal consumption of eligible households; meals prepared and delivered by an authorized meal delivery services to households eligible to use SNAP benefits to purchase delivered meals, or meals served by an authorized communal dining facility for the elderly, for Social Security Income households or both, to households eligible to use SNAP benefits for communal dining, among others, as specified. (7 Code of Federal Regulations § 271.2)

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

COMMENTS:

Background: *Food Insecurity.* The United States Department of Agriculture (USDA), which monitors food insecurity and oversees the nation’s largest food aid programs, defines food security as “access by all people at all times to enough food for an active, healthy life.” It categorizes food security into four levels:

Ranges of Food Security

| LEVEL OF SECURITY | | DEFINITION |
|-------------------|------------------------|--|
| Food Secure | High Food Security | Households had no problems, or anxiety about, consistently accessing adequate food |
| | Marginal Food Security | Households had problems or anxiety at times about accessing adequate food, but the quality, variety and quantity of food were not substantially reduced |
| Food Insecure | Low Food Security | Households reduced the quality, variety and desirability of their diets, but the quantity of food intake and normal eating patterns were not substantially disrupted |
| | Very Low Food Security | At times during the year, eating patterns of one or more household members were disrupted and food intake reduced because the household lacked money or other resources for food |

Sources: Feeding America, What is Food Insecurity? <https://hungerandhealth.feedingamerica.org/understand-food-insecurity/> (Accessed March 1, 2020)

While California declared food as a human right in 2023 [SB 628 (Hurtado) Chapter 879, Statutes of 2023], and produces nearly half of the nation's fruits and vegetables, data from the U.S. Census Household Pulse Survey shows that as of September 2024, 22% of California households are food insecure and 27% of households with children are food insecure, with deep disparities for Black, Latino, and Native households. Factors contributing to food insecurity include socioeconomic disparities and geographic barriers, among other causes. For individuals who face food insecurity, the choice is often between nurturing their physical health or maintaining other aspects of their lives, such as purchasing necessary medications or paying rent to maintain housing.

CalFresh. SNAP (formerly known as the Food Stamp Program) is the largest federal food safety-net program that serves as the first line of defense against hunger and food insecurity for low-income households. In California, SNAP funds are administered through the CalFresh program. Overseen by CDSS and administered locally by county human services departments, CalFresh serves a large and diverse caseload, with substantial shares comprising low-income working families with children, elderly and disabled people, and very low-income individuals with substantial barriers to employment. Participants use electronic benefit transfer cards 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 establishes the gross and net income requirements for CalFresh eligibility, limiting California's flexibility in setting its own criteria. If a family passes the gross income test, the net income test is computed, and the amount is determined by deducting certain income from a household's gross income. Currently, the maximum allowable gross income is 200% of the federal poverty level, although households with elderly members or members with disabilities are not subject to gross income criteria. Effective October 1, 2024, through September 30, 2025, the maximum annual gross income for a household size of three is \$33,576.

CalFresh plays a critical role in reducing food insecurity in California. Research shows that SNAP reduces overall food insecurity by about 20% and reduces food insecurity among children by approximately 33%.

Restaurant Meals Program. Federal SNAP rules prohibit the purchase of certain items, such as alcohol, vitamins and medicines, pet foods, food that will be eaten in the store, and hot foods. The RMP is a state option that permits specified CalFresh recipients who may not have the ability to prepare meals for themselves to purchase ready-to-eat food. To be eligible for the RMP, an individual must be an adult 60 years of age or older, have a disability, or be experiencing homelessness. Since implementing the RMP, the Legislature has taken several steps to remove barriers to the RMP:

- *AB 1894 (Weber), Chapter 746, Statutes of 2018*, changed the RMP provisions for higher education institutions and allowed CDSS to enter into an agreement with a California State University to provide benefits on campus even if the local county had not opted in.
- *AB 942 (Weber), Chapter 814, Statutes of 2019*, required that the state implement RMP as a statewide program, and as a result, restaurant vendors who are federally approved may participate in RMP within all 58 counties.

- *AB 612 (Weber), Chapter 804, Statutes of 2019*, allowed CDSS to enter into an agreement with the Chancellor of the California Community Colleges (CCC) in order to allow any qualifying food facility located on a CCC campus to participate in the RMP, even if the CCC campus is located in a county that does not participate in the RMP.
- *AB 712 (Wendy Carrillo), Chapter 121, Statutes of 2023*, required CDSS to seek all available federal waivers and approvals necessary to maximize food choices for CalFresh recipients under federal law and guidance, including purchasing hot foods or hot food products ready for immediate consumption. On November 30, 2023, CDSS requested approval to allow hot foods and hot food products prepared for immediate consumption to be considered eligible foods, but was denied by the USDA on January 26, 2024.

In 2022, AB 2100 (Carrillo) sought to expand the RMP to all CalFresh recipients, to the extent permitted by federal law, and, further, would have required CDSS to seek all necessary waivers from the USDA to implement the expansion of the RMP. AB 2100 also would have expanded the definition of “restaurant” to include a location within a grocery store where one can purchase ready-to-eat foods, as well as military commissaries. However, AB 2100 was held on the Senate Appropriation Committee suspense file.

Federal Hot Foods Waiver: CalFresh Flexibility in Response to Natural Disasters. States can apply for a federal hot foods waiver to temporarily allow SNAP households in designated disaster areas to purchase hot and ready-to-eat foods from authorized retailers – an exception to federal law and regulations, which typically prohibits such purchases. The USDA Food and Nutrition Service (FNS) generally approves this waiver for an initial 30-day period, with the possibility of an extension if the State Agency provides compelling justification.

California frequently experiences natural disasters such as wildfires, severe winter storms, landslides, and earthquakes. When a major disaster occurs, the Federal Emergency Management Agency may issue a Presidential Major Disaster Declaration with Individual Assistance (IA) to provide financial assistance and direct services to eligible individuals and households facing uninsured loss or severe financial hardship. These disasters often result in prolonged power outages, mandatory residential evacuations, and home destruction, making it difficult for impacted households to store, prepare, or cook food.

A hot foods waiver would enable CalFresh recipients in disaster-declared areas to use their benefits to buy hot and prepared meals, ensuring access to nutritious food while they lack kitchen facilities. However, FNS can only approve a hot foods waiver if an active IA declaration is in place. Even with an IA declaration, waiver approval is not guaranteed. While California is legally required to submit requests for applicable SNAP disaster waivers, including hot food waivers, there is no federal statute, regulation, or guidance requiring states to request a hot foods waiver or any other disaster waiver following an IA declaration. Ultimately, the decision to apply for the waiver rests with the state’s discretion.

Recent Natural Disasters. On January 24, 2025, President Trump issued a major disaster response declaration due to one of the most extensive and expensive firestorms in U.S. history that occurred in Los Angeles County. The fires burned over 57,000 acres of land and destroyed more than 18,000 homes and structures. As a result of these firestorms, many impacted residents were forced to evacuate to temporary housing arrangements and shelters. As such, many residents lost the ability to store food and access to cooking facilities. Wildfire impacted areas

include specified zip codes in Eaton, Hughes, Hurst, Palisades, and other areas that experienced power outages. On January 13, 2025, CDSS announced that individuals and families directly impacted by the fires may be eligible to receive Disaster CalFresh food benefits, with provides automatic disaster supplements. CDSS also secured a hot foods waiver for affected households in the counties of Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura to purchase hot foods through March 10, 2025, which was extended from the original deadline of February 8, 2025.

On January 8, 2023, President Biden issued a major disaster declaration due to severe winter storms, power outages, and flooding in California that began on December 27, 2022. Similar to the Los Angeles fires, many affected residents were forced to evacuate to temporary housing and shelters, resulting in the loss of food storage and access to cooking facilities. On January 27, 2023, CDSS submitted a request to the USDA to amend the federal definition of “food” to permit impacted residents to purchase hot foods. On January 27, 2023, the USDA approved the request and permitted residents in the counties of Merced, Monterey, Sacramento, San Luis Obispo, San Joaquin, Santa Barbara, Santa Cruz, Alameda, Alpine, Amador, Contra Costa, El Dorado, Fresno, Kern, Kings, Madera, Mariposa, Placer, San Benito, Santa Clara, San Francisco, Solano, Stanislaus, Sutter, Tuolumne, Ventura, and Yolo to temporarily purchase hot foods until February 20, 2023. The flexibility was later expanded to include the counties of Glenn, Humboldt, Lake, Los Angeles, Mendocino, Sonoma, Tehama, and Trinity.

Author’s Statement: According to the Author, “CalFresh, which is known nationally as the Supplemental Nutrition Assistance Program (SNAP), is California’s largest anti-hunger program, supporting more than 5.5 million Californians with purchasing groceries. This vital program is California’s first line of defense against hunger, with every 1 meal that food banks provide, CalFresh provides 9 meals. An important feature of CalFresh is that it is a successful public-private partnership, boosting the purchasing power of households with low incomes to be able to purchase groceries from stores according to their unique needs. In 2024 alone, CalFresh benefits totaled \$12.5 billion, generating up to \$22.4 billion in economic activity.”

Equity Implications: *This bill* promotes equitable food access among the most vulnerable Californians. Due to long-standing structural inequities, Black, Latino, and other historically marginalized communities experience higher rates of poverty, making them more likely to rely on CalFresh benefits. These same communities are often hardest hit by natural disasters that can displace families and disrupt food access.

This bill removes outdated references to a previously denied federal waiver while ensuring California continues to pursue policies that expand access to hot foods for CalFresh recipients during federally declared disasters. This is particularly critical for evacuees, displaced individuals, and families who have lost their homes and no longer have the ability to store, cook, or prepare hot and fresh foods. By allowing CaFresh benefits to be used on ready-to-eat meals, *this bill* helps ensure that those most in need can use their food assistance benefits to meet their circumstances.

RELATED AND PRIOR LEGISLATION:

SB 739 (Arreguin) of the current legislative session, would require CDSS to inquire of the ability of each county facility that serves CalFresh participants in the impacted area of a disaster

to provide timely and adequate service. *SB 739 is set to be heard in the Senate Human Services Committee on April 7, 2025.*

AB 712 (Carrillo), Chapter 121, Statutes of 2023, see comments above.

AB 2100 (Carrillo) of 2022, see comments above.

AB 942 (Weber), Chapter 814, Statutes of 2019, see comments above.

AB 612 (Weber), Chapter 804, Statutes of 2019, allowed CDSS to enter into an agreement with the Chancellor of the California Community Colleges (CCCs) in order to allow any qualifying food facility located on a CCC campus to participate in the RMP, even if the CCC campus is located in a county that does not participate in the RMP.

AB 1894 (Weber), Chapter 746, Statutes of 2018, see comments above.

AB 282 (Wiener), Chapter 355, Statutes of 2017, required CDSS to communicate with counties regarding how to participate in the RMP, among other things.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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