

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 593 (Wicks) – As Amended March 24, 2025

SUBJECT: CalFresh: data sharing

SUMMARY: Limits CalFresh data sharing from, and to, the California Department of Social Services (CDSS). Specifically, **this bill:**

- 1) Strikes local public entities from who CDSS may identify data-sharing opportunities with for purposes of improving the administration of CalFresh, increasing CalFresh participation, measuring the impact of CalFresh, and increasing access to critical public health and poverty-alleviating services and other services and benefits available to low-income individuals.
- 2) Provides that the information authorized to be disclosed is limited to information necessary for all of the following purposes, and shall not be used for any other purpose:
 - a) Conducting outreach opportunities and facilitating enrollment in public benefits;
 - b) Measuring public benefit utilization and facilitating public benefit cross enrollment between CalFresh and other public benefits;
 - c) Measuring the impact of CalFresh on the health and well-being of Californians, including, but not limited to:
 - i. Public entities' data related to earnings, income, resources, and food purchasing power; and,
 - ii. Public entities' data related to health, nutrition, and financial well-being.
- 3) Defines, for purposes of this bill, "public benefit" as all educational, public health, and poverty-alleviating services and other services and benefits available to low-income individuals, including, but not limited to, all public social services, that are funded, administered, or delivered by state public entities.
- 4) Specifies privacy laws that public entities are subject to comply with when sharing data with CDSS for purposes described in 1) above, to include the Information Practices Act of 1977, Confidentiality of Medical Information Act, K-12 Pupil Online Personal Information Protection Act, and Early Learning Personal Information Protection Act.

EXISTING LAW:

- 1) 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. (Welfare and Institutions Code [WIC] § 18900 *et seq.*)
- 2) Requires CDSS, on or before July 1, 2025, in consultation with advocate representatives, county human service agencies, and the County Welfare Directors Association of California, to develop a methodology for estimating the CalFresh participation rate and identifying

characteristics of Californians who are eligible for, but not receiving, CalFresh benefits. (WIC § 18901.58(a)(1))

- 3) Permits identified characteristics to include, but are not limited to, race, ethnicity, preferred language, age, and location. (WIC § 18901.58(a)(2))
- 4) Requires CDSS to identify any existing public assistance or public benefit data that may be used to identify Californians who are eligible for, but not receiving, CalFresh benefits. (WIC § 18901.58(a)(3))
- 5) Requires CDSS to annually publish the CalFresh participation rate. (WIC § 18901.58(a)(4))
- 6) Requires CDSS to utilize the data and metrics described in 1) above, to develop informed and targeted outreach strategies and to maximize federal funding for CalFresh outreach to reach Californians who are eligible for CalFresh benefits. (WIC § 18901.58(b))
- 7) Authorizes CDSS to identify data-sharing opportunities with other state and local entities, any other unit of state government, for the purposes of improving the administration of CalFresh, increasing CalFresh participation, measuring the impact of CalFresh, and increasing access to critical public health and poverty-alleviating services and other services and benefits available to low-income individuals. (WIC § 18901.59(a))
- 8) Authorizes public entities, notwithstanding any other state law, and to the extent permitted by federal law, to share data with CDSS for the purposes of 6) above. These public entities include, but are not limited to, all of the following:
 - a) Public entities related to health and human services, including, but not limited to, the California Health and Human Services Agency and departments within the agency;
 - b) Public entities related to education and early childhood programs, including, but not limited to, the California Department of Education (CDE), the University of California, the California State University, the California Community Colleges, the Student Aid Commission, and First 5 California;
 - c) Public entities related to employment and financial well-being, including, but not limited to, the Employment Development Department (EDD), the Labor and Workforce Development Agency, the California Workforce Development Board, and the Franchise Tax Board (FTB);
 - d) Public entities related to shelter, utilities, housing, and homelessness, including, but not limited to, the Business, Consumer Services, and Housing Agency and all departments and boards within the agency, and the Public Utilities Commission (CPUC);
 - e) Public entities related to justice-involved individuals, including, but not limited to, the Department of Corrections and Rehabilitation; and,
 - f) Public entities related to services for veterans, including, but not limited to, the Department of Veterans Affairs. (WIC § 18901.58(c); 18901.59(b))
- 9) Requires CDSS to designate an executive-level employee of CDSS to report to the Director of CDSS on the implementation of the 1) through 7) above. (WIC § 18901.59(c))

- 10) Provides, pursuant to the California Constitution, that all people are by nature free and independent and have inalienable rights. Among these the fundamental right to privacy. (Cal. Const. Art. I, § 1.)
- 11) Establishes the Information Practices Act (IPA) of 1977, enumerating the requirements applicable to state agencies that collect, maintain, and disclose personal information from California residents, including limitations on permissible disclosure, the rights of residents to know and access the information, and required accounting of disclosures of the information. (Civil Code [CIV] § 1798 *et seq.*)
- 12) Requires that each state agency maintain in its records only personal information that is relevant and necessary to accomplish the purpose of the agency. (CIV § 1798.14.)
- 13) Requires that each agency collect personal information to the greatest extent practicable directly from the individual who is the subject of the information rather than from another source. (CIV § 1798.15.)
- 14) Establishes the Confidentiality of Medical Information Act (CMIA), which protects sensitive health information by restricting its disclosure without proper authorization. (CIV § 56)
- 15) Establishes the K-12 Pupil Online Personal Information Act (SOPIPA), protecting the online privacy of K-12 students. (Business and Professions Code [BPC] § 22584)
- 16) Establishes the Early Learning Personal Information Protection Act (ELPIPA), which safeguards the online privacy of children in preschool and prekindergarten settings. (BPC § 22586)

Federal law:

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

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.

A lack of adequate food can have long-term physical health consequences across the lifespan. During pregnancy, it can lead to poor birth outcomes, impacting a child's physical and cognitive development. Young children with inadequate or interrupted food intake are at a higher risk of iron deficiency, respiratory illnesses, infections, and developmental delays. In school-aged children, food insecurity is associated with poor academic performance, attention difficulties, and behavioral issues. In adolescence, food insecurity is associated with having many sexual partners, drug and alcohol abuse, greater exposure to violence, high-risk pregnancy, and suicide ideation. Long-term, these disadvantages contribute to intergenerational cycles of poverty and food insecurity. In adulthood, food insecurity increases the risk of chronic, diet-related diseases such as diabetes, obesity, hypertension, cardiovascular disease, and certain cancers due to poor nutrition and limited access to healthcare. Beyond physical health, the emotional and psychological stress of uncertain food access causes anxiety, depression, and social isolation.

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. Individuals can complete the CalFresh application online, over the phone, in-person at their county CalFresh office, or through the mail.

The USDA sets eligibility requirements for SNAP programs across the country, including gross and net income, household size, assets, and certain expenses. The basic rules to qualify is gross

monthly income below 130% of the federal poverty line. Broad-based categorical eligibility gives states the option (that most states take, including California) to increase the gross income eligibility threshold up to 200% of the poverty line for SNAP recipients receiving support from other government programs. Effective October 1, 2024, through September 30, 2025, these gross income limits for a household of three in the U.S. are currently \$2,798 per month, or \$33,576 annually.

CalFresh plays a critical role in reducing poverty and food insecurity in California. In early 2023, participation in CalFresh helped keep approximately 1.1 million Californians out of poverty. Research also shows that SNAP reduces overall food insecurity by about 20% and reduces food insecurity among children by approximately 33%. According to the Legislative Analyst's Office, about 3.2 million households received a total of \$12.7 billion in CalFresh benefits, all federally funded, with an estimated average monthly benefit of about \$328 per household in 2024-25.

Barriers to Accessing CalFresh. CalFresh participation rates have historically been lower than eligibility rates, which means that many eligible individuals and households do not successfully enroll in the program. According to USDA data from 2022, California ranks 38th in SNAP participation, with only 81% of eligible individuals enrolled in CalFresh. This is significantly lower than the national average of 88% and participation rates in other states such as Alabama (90%), Georgia (92%), and Illinois (100%). Certain populations, including college students, formerly incarcerated people, older adults, and noncitizens, face even lower participation rates, highlighting persistent barriers to access.

Participation rates also vary widely at the county level. For example in 2017, Fresno County had a 97% participation rate among eligible individuals while Contra Costa County had only 52% participation. These disparities within the state contribute to an underutilization of critical resources and missed opportunities to address food insecurity and hunger in California. For many eligible individuals, barriers to CalFresh 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 \$1.50 in economic activity. Additionally, every \$1 billion in CalFresh benefits generates over 10,000 jobs across sectors, such as agriculture, transportation, and retail. If California increased its CalFresh participation to 100%, it could secure up to \$3.5 billion more annually in federally funded food benefits, resulting in an estimated \$5.3 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.

The Information Practices Act of 1977 is the state’s main privacy law governing how California state agencies collect, maintain, and share personal information. Modeled after the federal Privacy Act of 1974, the IPA was enacted with the Legislature’s express recognition of the need to place consistent limits on the handling of personal information by government entities.

Under the IPA, state agencies must meet specific requirements when managing Californians’ personal data. This includes restrictions on collecting and disclosing personal information, and a general prohibition on sharing such information without the individual’s consent—except in limited, specified circumstances. Whenever an agency requests personal information from an individual, it must provide a clear notice explaining the person’s rights, how the data will be used, and any foreseeable disclosures.

The IPA also grants individuals the right to know what personal information a state agency holds about them, to access and review that information, and to request corrections—subject to certain exceptions. In cases where state agencies contract with private entities for services, those contractors are typically required to follow the same IPA standards, although few additional privacy safeguards are written into those agreements.

Additional Privacy Protections. California has other legal frameworks in place to protect individual’s personal information, especially when it comes to data shared between public agencies. Some of these privacy laws include, but are not limited to:

- *The Confidentiality of Medical Information Act* protects sensitive health information by restricting its disclosure without proper authorization.
- *The K-12 Pupil Online Personal Information Protection Act* prevents companies that provide online services to schools from using student data for targeted advertising or selling it to third parties.
- *The Early Learning Personal Information Protection Act* extends these protections to preschool-aged children, ensuring their data is used only for educational purposes and kept secure.

This bill authorizes CDSS to share data with other state public entities in order to improve how CalFresh is administered, increase participation, and better understand the program’s impact. Specifically, *the bill* permits the use of shared data to conduct outreach, support enrollment in CalFresh and other public benefit programs, and analyze the connection between CalFresh and outcomes related to health, nutrition, and financial stability. *This bill* further requires that all data sharing comply with existing privacy laws, including the IPA, CMIA, SOPIPA, and ELPIPA.

Author’s Statement: According to the Author, “Last year I authored AB 518, requiring the Department of Social Services (DSS) to develop a methodology for determining the state’s CalFresh participation rate and identifying characteristics of residents who are eligible but not receiving benefits. This framework will be employed to shape outreach efforts and ascertain opportunities to remove barriers which prevent enrollment.

“The statute enacted through AB 518 allows DSS to ascertain data sharing opportunities with other state and local public entities for the narrow purpose of improving CalFresh administration, increasing participation, and enhancing access to other services and benefits available to low-

income persons. It does not compel state departments to share data, nor override any federal statute that governs allowable disclosure of data. It is also not intended to exempt the sharing of data from all state privacy laws without addressing confidentiality, privacy, and security of consumer data.

“[This bill] is legislation I committed to carry last year, in partnership with the Administration, to clarify limited and necessary exemptions from data sharing restrictions while allowing the disclosure of data for the narrow purposes of improving CalFresh program administration.

“My goal is to strike a balance to protect Californians' privacy while permitting the careful use of data in a safe and tailored manner that will inform strategies to maximize CalFresh food benefits and decrease the number of low-income individuals and families facing hunger.”

Equity Implications: While this bill has the potential to improve access to public benefits for underserved communities, it also raises concerns about privacy risks that could disproportionately affect vulnerable populations.

By allowing data sharing between public entities, *the bill* aims to reduce barriers to CalFresh enrollment—especially for low-income individuals who may not realize they are eligible or who face difficulties navigating complex applications. This could particularly benefit historically marginalized groups, such as immigrants, communities of color, and individuals with limited English proficiency, who are often under-enrolled in public benefits. Further, *this bill* aims to support a “no wrong door” approach, enabling facilitated enrollment across programs (e.g. education, public health, poverty-alleviating), which can provide a more holistic safety net for families in need. Lastly, by using data to understand who is being left out, the state could more effectively identify inequities in benefit access and tailor outreach strategies to reach those most in need.

On the other hand, sharing sensitive personal data—such as immigration status, juvenile records, and financial or health information – without consent may disproportionately impact individuals who already face systemic surveillance or discrimination. This includes immigrants, justice-involved individuals, and low-income families, who may fear that their data could be misused or accessed by unauthorized parties. If communities don’t trust how their data will be used, especially without transparency or consent, they may avoid altogether—even when they’re eligible for help. This can undermine the bill’s intended equity goals. Without clear limitations on how data is used, retained, or protected, and without opt-out provisions, the bill could open the door to unintended consequences- such as misuse by third parties or future administrations. These gaps in oversight could erode equity rather than enhance it.

Policy Considerations: This bill attempts to address privacy related concerns regarding AB 518 (Wicks), Chapter 910, Statutes of 2024, that provided a broad exemption from any relevant state privacy laws with respect to the sharing of data amongst public entities for the purposes of increasing CalFresh participation. The bill includes a “Notwithstanding any other state law” clause in paragraph (b), which allows public entities to share data with CDSS “to the extent permitted by federal law” and a handful of specified privacy laws, including the IPA, CMIA, SOPIPA, and ELPIPA. However, while the bill aims to narrow the broad language by naming some privacy laws, the broad “notwithstanding” clause continues to weaken practical enforcement, potentially allowing data sharing without full adherence to those protections.

Additional concerns were raised regarding the lack of detailed guidance on data security measures, retention limits, the use of marketing and outreach consultants, transfer protocols, and limitations on who handles and has access to all kinds of personal information, which this bill does not address. Lastly, concerns were raised regarding the need to list a broad range of public entities allowed to share data with CDSS – some of which may already be collaborating with CDSS for CalFresh purposes, while others may not be appropriate due to privacy concerns. The list of public entities include, but are not limited to, educational agencies (childcare, K-12 and higher education), employment-related entities like EDD, financial entities like the FTB, utilities-related agencies like the CPUC.

This bill aims to improve CalFresh access and program effectiveness, but as currently written, it does not sufficiently address serious concerns about privacy, transparency, or data governance. The inclusion of a broad “notwithstanding” clause and lack of specific safeguards continues to sweep too broadly and risks weakening long-standing privacy protections without proper accountability.

Committee Amendments: In order to address the above policy considerations, the Committee proposes the author take the following amendments:

- On page 2, in line 3, strike out “(1)”
- On page 2, in line 6, after the second comma insert: and
- On page 2, in line 7, strike out “CalFresh, and increasing access to critical”, strike out line 8, in line 9, strike out “and benefits available to low-income individuals.” and insert: CalFresh.
- On page 2, strike out lines 11 and 12 and insert: conducting outreach opportunities, facilitating enrollment in public benefits, and measuring the impact of those efforts, and shall not be used for any other purpose.
- On page 2, strike out lines 13 to 28, inclusive
- On page 2, in line 29, strike out “any other state law, except those”, strike out lines 30 to 32, inclusive, on page 3, strike out lines 1 to 7, inclusive, in line 8, strike out “Code),” and insert: Section 1798.24 of the Civil Code, and to the extent permitted by federal law,
- On page 3, strike out lines 19 to 23, inclusive, in line 24, strike out “(4)” and insert: (3)
- On page 3, in line 27, strike out “agency, and the Public Utilities Commission.” and insert: agency.
- On page 3, in line 28, strike out “(5)” and insert: (4)
- On page 3, in line 31, strike out “(6)” and insert: (5)

RELATED AND PRIOR LEGISLATION:

AB 518 (Wicks), Chapter 910, Statutes of 2024, required CDSS, in consultation with stakeholders, to develop a methodology to estimate the CalFresh participation rate in California and identify characteristics of Californians who are eligible for CalFresh benefits, but are not

receiving benefits; and, required CDSS to identify data sharing opportunities with other state and local public entities.

AB 1967 (Jackson) of 2024, would have established a Food Insecurity Officer within CDSS to coordinate and address food insecurity across state government operations. *AB 1967 was held on the Assembly Committee on Appropriations suspense file.*

AB 1377 (Wicks), Chapter 461, Statutes of 2019, required CDE, Department of Health Care Services, and CDSS, in consultation with stakeholders, to develop a proposed statewide process for utilizing certain data for purposes of increasing CalFresh enrollment, and requires the departments to issue recommendations to the relevant policy committees of the Legislature no later than August 31, 2020.

AB 402 (Skinner), Chapter 504, Statutes of 2011, authorized school districts and county offices of education to share information provided on the National School Lunch Program application with the local agency that determines CalFresh eligibility for nutrition assistance programs, and also required each county to determine eligibility for CalFresh based on the information shared by a school district or county office of education and to enroll determined eligible pupils.

REGISTERED SUPPORT / OPPOSITION:

Support

California Student Aid Commission
San Bernardino Community College District

Opposition

Oakland Privacy

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