

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 1015 (Calderon) – As Amended April 11, 2023

SUBJECT: Diaper and wipe distribution program

SUMMARY: Establishes a statewide diaper and wipe distribution program under the California Department of Social Services (CDSS) for qualifying low-income families. Specifically, **this bill:**

- 1) Requires CDSS to administer a statewide diaper and wipe distribution program (Statewide Program) for low-income families with infants or toddlers under 36 months of age.
- 2) Requires the financial eligibility criteria, including income threshold, for low-income families to be the same as the financial eligibility criteria developed under the existing administratively created Diaper Bank Program.
- 3) Requires CDSS, until it administers the Statewide Program through new contracts, to utilize the existing Diaper Bank Program infrastructure and contracts to distribute diapers and wipes to low-income families with infants or toddlers under 36 months of age through partnering entities, including, but not limited to, any of the following:
 - a) Agencies of the Emergency Food Assistance Program;
 - b) Members of the California Association of Food Banks;
 - c) Intermediaries; and,
 - d) Existing grantees under the Diaper Bank Program.
- 4) Clarifies that these provisions shall not be construed to require new contracts for existing entities distributing diapers or wipes through the Diaper Bank Program, even after implementation of the Statewide Program.
- 5) Requires CDSS to ensure that all participating entities report on a quarterly basis to CDSS, at a minimum, all of the following information:
 - a) Number of diapers and wipes distributed;
 - b) Number of low-income families, with infants or toddlers under 36 months of age, assisted;
 - c) How long diaper and wipe supplies last; and,
 - d) Total dollars expended for the procurement, shipping, and warehousing or storage of diapers and wipes.

- 6) Requires CDSS to make the information described in 5), available upon request, excluding any personally identifiable information, whether through an online posting, a submitted report, or another applicable medium.
- 7) Requires CDSS to post on its internet website a list of the entities participating in the Diaper Bank Program or the Statewide Program.
- 8) Stipulates that implementation of these provisions shall be subject to an appropriation made in the annual Budget Act or another statute, and that funding appropriated to implement this section shall not supplant any existing local, state, or federal funds designated for diaper or wipe distribution.
- 9) Specifies that funding appropriated to implement these provisions shall not supplant any existing diaper or wipe distribution services. However, that funding may be granted to currently participating entities under existing contracts for purposes of expanding those services. Permits the funding to also be granted to newly participating entities under new contracts for purposes of providing those services.
- 10) Requires funding appropriated to implement these provisions to be spent within 36 months after receipt of those moneys, in accordance with existing law.
- 11) Makes findings and declarations related to the California Work Opportunity and Responsibility to Kids (CalWORKs) program that in 2018 began providing diaper aid as a supportive service, to a person participating in a welfare-to-work (WTW) plan, in the amount of \$30 per month for each child who is under 36 months of age.
- 12) Further finds that 18 local diaper banks operate in the state, within limited jurisdictions, and that the existing state-funded Diaper Bank Program administered by CDSS involves eight operators serving certain counties, including, but not limited to, the Counties of Fresno, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, and Sonoma, and the City and County of San Francisco.

EXISTING LAW:

- 1) Establishes under federal law the “Temporary Assistance for Needy Families” (TANF) program to provide aid and WTW services to eligible families and, in California, provides that TANF funds for WTW services are administered through the CalWORKs program. (42 United States Code [U.S.C.] 601 *et seq.*, Welfare and Institutions Code Section [WIC] 11200 *et seq.*)
- 2) Establishes income, asset and real property limits used to determine eligibility for the program, including net income below the Maximum Aid Payment, based on family size and county of residence. (WIC 11150 to 11160, 11450 *et seq.*)
- 3) Establishes a 48-month lifetime limit on CalWORKs benefits for eligible adults, including a period beyond the “24 month clock” during which a recipient must meet federal work requirements in order to retain eligibility. (WIC 11454, 11322.85)

- 4) Requires all individuals over 16 years of age, unless they are otherwise exempt, to participate in welfare-to-work activities as a condition of eligibility for CalWORKs. (WIC 11320.3, 11322.6)
- 5) Establishes the number of weekly hours of WTW participation necessary to remain eligible for aid, as specified. (WIC 11322.8)
- 6) Requires necessary supportive services to be available to every CalWORKs participant in order to participate in an assigned program activity or to accept employment, to include child care, transportation costs, ancillary expenses – which include the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs – and personal counseling, as specified. (WIC 11323.2)

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

COMMENTS:

Background: *Diaper Distribution Programs.* The Diaper Bank Program was established by the Legislature, through the Budget Act of 2021, and allocated \$30 million to CDSS to provide grants to organizations to distribute diapers to low-income families with infants or toddlers. The Diaper Bank Program covers costs associated with the storage, handling, and transportation of diapers to low-income families through the following Food Banks: Central California Food Bank, Jacobs and Cushman San Diego Food Bank, Los Angeles Regional Food Bank, Help a Mother Out, Community Action Partnership of Orange County, Sacramento Food Bank & Family Services, Community Action Partnership of San Bernardino, and Redwood Empire Food Bank. The current Diaper Bank Program only reaches eight counties. This bill would establish a similar program in all 58 counties using food banks and other partnering entities to distribute diapers and wipes to those in need.

Food Banks are a natural partner for diaper distribution and tend to serve overlapping populations of those who are food insecure and unable to afford diapers. Food banks throughout California provide United States Department of Agriculture commodities for distribution to eligible individuals and households and have geographic and income eligibility requirements. Food banks are a part of the national emergency food system which also includes soup kitchens and food pantries. Low-income parents often turn to diaper banks, who were likely employed adults who have missed work because of diaper need, resulting in barriers to economic mobility.

Under existing state and federal law, diapers and wipes are not a covered expense in social services safety-net programs like CalFresh, the Women Infant and Children program, and Medi-Cal. However, in 2018, as a result of AB 480 (Gonzalez Fletcher), Chapter 690, Statutes of 2017, CalWORKs did begin covering the cost of diapers for infants and toddlers up to \$30 as a reimbursable ancillary expense for participants with young children in the WTW program. To qualify for the diaper supportive service, WTW participants are required to have a child under 36 months and either be a recipient of CalWORKs. These supportive service payments are only provided to qualifying WTW program participants who are in good standing with CalWORKs program requirements and actively participating in the WTW activities.

This bill would require the financial eligibility criteria, including income threshold, for low-income families to be the same as the financial eligibility criteria developed under the existing administratively created Diaper Bank Program and would utilize the existing infrastructure and

contracts to distribute diapers and wipes to low-income families with infants or toddlers under 36 months of age through partnering entities including a member of the California Association of Food Banks.

In September 2022, through the Office of Community Services, in partnership with the Office of Planning, Evaluation, and Research, launched a new Diaper Distribution Demonstration and Research Pilot, also known as the Diaper Distribution Pilot which made \$8 million available to create its first federally funded diaper assistance program in six states (Washington, Arizona, Iowa, Virginia, North Carolina, and South Carolina). The pilot program was established to help address diaper needs and increase economic security, for families experiencing poverty. This program provides funding to expand existing diaper distribution services through a network of community partners that provide anti-poverty services. In addition to providing diapers, grantees and their partners, including, social service agencies and diaper banks, will connect families to economic mobility and family support services such as job training, educational support, Early Head Start, and housing services.

Unmet diaper needs. Children require diapers from the day they are born, and are an expense that all parents must incur. The average infant goes through 8 to 12 diapers a day, which totals over \$200 a month, and several thousand per year. For someone earning the federal minimum wage, diaper costs can total as much as 8% (\$100 per month) of their total income. Providing diapers is also typically a requirement to attend daycare programs and not having diapers to provide can then become an impediment to accessing childcare causing missed work, school, etc. To reduce the financial impacts of costly diapers and wipes, many caregivers have reported borrowing money from family or friends, stretching time between diaper changes, reusing soiled diapers, using outgrown diapers, and leaving children diaper-less to stretch their supply. In addition, not being able to appropriately diaper children can lead to being reported to Child Protective Services for neglect, which could lead to child welfare services system-involvement, further stressing a family already under tremendous stress to meet basic needs.

When caregivers are not able to keep children clean, dry, and healthy, infants can experience negative health outcomes, which becomes a health equity issue. Studies show that a lack of diapers increases incidences of diaper rash and painful infections, which can lead to medical visits and incurring additional costs for families. Unmet diaper needs are not only a public health issue, but also a barrier to economic mobility for low-income families, with one in three struggling to afford diapers across the country. Parents and caregivers who rely on child care services and do not have enough diapers and wipes often cannot drop their children off at childcare. This leads to missed early education opportunities for toddlers and a monthly average of four missed days of work or school for parents. More than half (56%) of parents using child care to go to work have missed work because of an inadequate diaper supply.

Author's Statement: According to the Author, “[This bill] would create a statewide diaper and wipe distribution program for low-income families. Diapers are an expensive, crucial need for the first years of a child’s life, yet they are not covered by existing safety-net programs like CalFresh and the Women, Infants and Children (WIC) program. Working, low-income parents often must to choose between purchasing diapers or other basic needs.

“This bill aims to expand the existing Diaper Bank Program to all 58 counties to ensure diapers and wipes are accessible statewide. Offering consistent access to these basic needs will improve

the health and well-being of children and provide long-term solutions that alleviate the impact of poverty on our most vulnerable caregivers.”

Need for this bill: This bill is looking to take the current Diaper Bank Program statewide in an effort to meet the needs of all parents in the state who would benefit from having access to diapers and wipes when needed. Currently, the Diaper Bank Program serves only some counties.

Equity Implications: Research indicates that about one in three mothers in the United States (U.S.) struggle with diaper scarcity. Providing funding to distribute diapers and wipes to families in need has been demonstrated to be an effective anti-poverty strategy. There are not currently enough diaper bank programs throughout the state to meet the needs of many families who are already struggling to pay the soaring costs of rent, transportation and healthcare, let alone the added costs of diapers. Since the start of the COVID-19 pandemic, the need for diaper assistance has grown dramatically and persisted to record levels.

According to the National Center for Children in Poverty, in 2015, almost half of U.S. families with one or more babies or toddlers of diapering age were living at or below 200% of the federal poverty level (FPL), and nearly half of those lived in households at just 100% FPL. Children of color are overrepresented among families living in poverty: among children under 18 living at or below 100% FPL this includes 30% of Native American children, 31% of Black children, 10% of Asian/Pacific Islander children, and 23% of Hispanic/Latino children (compared to 10% of White children) in the U.S.

By expanding the existing Diaper Bank Program into a 58-county statewide program, it would address the inequity in meeting diaper needs across the state, especially in counties without diaper bank programs or with sparsely spread out community organizations. By establishing a statewide diaper bank program, families in need would have consistent access to diapers and wipes, which could improve the health of children, meet the needs of underserved families, and help to alleviate the impact of poverty on vulnerable families.

RELATED AND PRIOR LEGISLATION:

AB 128 (Ting), Chapter 21, Statutes of 2021, allocated \$30 million to CDSS to provide grants to organizations to provide diapers to low-income families with infants or toddlers.

SB 92 (Committee on Budget and Fiscal Review), Chapter 34, Statutes of 2019, as part of the 2019 Budget Act, exempted from sales and use tax the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, diapers for infants, toddlers, and children, and menstrual hygiene products.

AB 480 (Gonzalez Fletcher), Chapter 690, Statutes of 2017, included a \$30-per-month benefit to assist with diaper costs for each child under three years old as a necessary supportive service pursuant to CalWORKs participant's WTW plan, required CDSS to develop implementing regulations, provided that no continuous appropriation for public assistance shall be made to implement the provisions of AB 480, and made technical changes.

REGISTERED SUPPORT / OPPOSITION:

Support

California Legislative Women's Caucus

National Association of Social Workers, California Chapter

Opposition

None on file

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