

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES  
Eloise Gómez Reyes, Chair  
AB 942 (Weber) – As Amended April 2, 2019

**SUBJECT:** CalFresh: Restaurant Meals Program

**SUMMARY:** Establishes the “Access to Safe Food Choices and Food Security Act of 2019” and requires the California Department of Social Services (CDSS), to the extent permitted by federal law, to establish a statewide Restaurant Meals Program (RMP), and to implement the provisions of this bill no later than March 1, 2020, by means of all-county letters (ACLs) or similar instructions from the director. Specifically, **this bill:**

- 1) States Legislative intent to provide CalFresh recipients who are experiencing homelessness, are elderly, or have a disability, with the ability to purchase prepared foods using CalFresh benefits in order to prevent food insecurity among certain communities who are at high risk for chronic hunger.
- 2) Requires CDSS, to the extent permitted by federal law, and in consultation with various stakeholders, as specified, to establish a statewide RMP.
- 3) Requires CDSS, no later than March 1, 2020, to implement the provisions of the bill by means of ACLs or similar instructions from the director, as specified.
- 4) Makes technical and conforming changes.

**EXISTING LAW:**

- 1) Establishes under federal law the Supplemental Nutrition Assistance Program (SNAP) pursuant to the Food Stamp Act of 1964 and establishes, in California statute, the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting certain criteria, as specified. (7 United States Code [U.S.C.] 2011 *et seq.*, Welfare and Institutions Code [WIC] Section 18900 *et seq.*)
- 2) Establishes the Electronic Benefits Transfer (EBT) Act, and defines the EBT system as the program designed to provide benefits to those eligible to receive public assistance benefits such as CalWORKs and CalFresh. (42 U.S.C. 601 *et seq.*, WIC 10065 *et seq.*)
- 3) Establishes the RMP under SNAP to allow eligible recipients who are experiencing homelessness, are elderly, or have a disability to purchase hot, prepared food from participating restaurants. (7 U.S.C. Section 2020, WIC 18919 *et seq.*)
- 4) Defines “qualifying food facility” as a facility that sells prepared food for onsite consumption, and specifies that “on-campus food vendors” does not include any vendor that does not sell prepared food for onsite consumption or that sells food from a mobile food facility, as specified. (Education Code [EDC] Section 66025.93 (d))
- 5) Requires each public or private postsecondary educational institution that is located in a county that participates in the RMP: 1) apply to become an approved food vendor for the RMP, if the institution operates any qualifying food facility on campus; 2) annually provide

all on-campus food vendors not operated by the institution with information regarding the RMP and the manner in which to apply; and, 3) if an on-campus food vendor has been approved to participate in the RMP, annually inform students about the program using information provided by CDSS. (EDC 66025.93(a))

- 6) Specifies that an institution is not required to create, operate, or maintain an EBT system on behalf of on-campus food vendors, and an approved food vendor participating in the RMP, as specified, and a county in which the program is operated, shall meet the requirements of the RMP. (EDC 66025.93(b))
- 7) Allows CDSS to enter into a statewide MOU with the Chancellor of the California State University (CSU), and further, allows any qualifying food facility located on a campus of the CSU to participate in the CalFresh RMP through the statewide MOU, even if the facility is located in a county that does not participate in the RMP. (WIC 18919 (e))

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**CalFresh:** SNAP provides food access to low-income individuals who meet certain eligibility criteria; in California, this program is known as CalFresh. CalFresh benefits are entirely federally funded, and administration at the federal level lies with the United States Department of Agriculture (USDA). The USDA is tasked with setting specific eligibility requirements for SNAP programs across the country, as well as gross and net income tests, work requirements, and other documentation requirements. Currently, the maximum allowable gross income is 200% of the Federal Poverty Level (FPL), although households with elderly members or members with disabilities are not subject to gross income criteria, but must have a net monthly income at or below 100% of the FPL. In California, CalFresh is administered at the local level by county human services agencies, with federal, state, and county governments sharing the costs of program administration. Nearly 4 million individuals in California receive CalFresh benefits; on average, an individual receives approximately \$135 per month in benefits. Individuals receive benefits on a monthly basis for food purchases through an EBT card, which is similar to an automated teller machine (ATM) card. Unlike an ATM card, however, CalFresh benefits cannot be withdrawn in cash at point-of-sale terminals or ATMs; instead, individuals may use benefits to purchase food items to be prepared and consumed at home.

**Restaurant Meals Program (RMP):** Federal rules related to SNAP, and therefore CalFresh, 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. However, RMP allows certain eligible CalFresh recipients who are experiencing homelessness, are elderly, or have a disability to purchase hot and prepared foods from participating restaurants that would otherwise be prohibited. This is due to the unique challenges faced by these populations as it relates to ability to prepare food, and lack of access to necessary equipment. Currently, 10 California counties participate in the RMP: Alameda, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco, San Luis Obispo, Santa Clara, and Santa Cruz. In 2018, AB 1894 (Weber), Chapter 746, Statutes of 2018, allowed CDSS to enter into an MOU with the Chancellor of the CSU to participate in the RMP, even if the CSU is located in a county that does not participate in the RMP, in order to increase food access on college campuses.

Federal law requires each restaurant to sign an MOU and complete a federal certification process, which requires a restaurant to:

- 1) Be willing to welcome all those eligible for the RMP, meaning a restaurant cannot serve elderly CalFresh recipients and refuse to also serve CalFresh recipients who are experiencing homelessness or have a disability;
- 2) Offer a low-cost menu for program participants and agree to SNAP rules prohibiting the charge of a sales tax, meal tax, or gratuities on prepared foods purchased with EBT; and,
- 3) Agree to post signage stating: EBT or California Advantage Cards Accepted Here.

***Expansion of RMP in other states:*** In February 2019, Illinois State Representative Sonya Harper introduced HB 3343, which would require the Illinois Department of Human Services to establish a statewide RMP no later than January 1, 2020. Maryland Senator Clarence Lam introduced a similar bill, SB 752, in February 2019, which requires each local department to administer the RMP as part of the state SNAP program, and requires the Department of Human Services to adopt regulations that verify household eligibility for participation in the program, establish eligibility standards, an application process, and an approval process for restaurants to participate in the RMP. A March 2019 article discussing Maryland's legislative efforts at establishing statewide RMP indicates that, according to the USDA Food and Nutrition Service, in addition to the participating counties in California, Arizona operates a statewide RMP, and pilot projects are currently underway in Rhode Island and Florida.

***Need for this bill:*** The provisions of this bill seek to ensure greater food access for individuals who are otherwise eligible for RMP but live in a county that does not operate the program by expanding the RMP statewide. The bill does this by requiring CDSS to establish a statewide RMP in consultation with various stakeholders, including county human services agencies and advocates for CalFresh recipients, and, further, requires CDSS to implement the provisions of this bill through ACLs or similar instructions on or before March 1, 2020.

According to the author, "CalFresh, the state's version of SNAP has the RMP, which allows participants who are homeless, disabled, or elderly to use their Golden State Advantage Electronic Benefits Transfer card to purchase low cost, prepared meals at authorized restaurants in their county. However, the RMP currently only exists on CSU campuses and 10 California counties. As a result, otherwise eligible CalFresh participants are unable to use the RMP simply because they live in a county that has not opted to administer the program. Restaurants who wish to serve RMP participants are unable to do so if they are located in a county that has yet to opt into administering the program. The county-by-county opt-in model has failed to adequately address the realities and growing needs of people's situations throughout the State of California. The county opt-in model has contributed to the low participation rate by eligible Californians. CalFresh recipients in the remaining 48 counties deserve the chance to access nutritious food and fully utilize their existing benefits and federal resources in the fight against chronic hunger and food insecurity."

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

***AB 612 (Weber) of 2019*** allows CDSS to enter into an MOU with the Chancellor of the California Community Colleges in order to allow any qualifying food facility located on a CSU campus to participate in the RMP, even if the CSU campus is located in a county that does not

participate in the RMP. AB 612 is set to be heard by the Assembly Human Services Committee on April 9, 2019.

**AB 1894 (Weber), Chapter 746, Statutes of 2018**, allowed CDSS to enter into a memorandum of understanding with the CSU Chancellor in order to allow any qualifying food facility located on a CSU campus to participate in the RMP, even if the CSU campus is located in a county that does not participate in the RMP.

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

**AB 214 (Weber), Chapter 134, Statutes of 2017**, required the California Student Aid Commission to notify Cal Grant recipients who qualify for participation in the CalFresh program, provided clarity to existing policies in order to simplify CalFresh administration for college students, and required DSS to maintain a list of programs that provide a student potential eligibility for a CalFresh exemption if certain requirements are met.

**AB 1747 (Weber), Chapter 290, Statutes of 2016**, addressed growing hunger among low-income college students in California by providing the state with several new tools to draw down federal resources. The bill also improved coordination between anti-hunger efforts on college campuses and anti-hunger efforts in the surrounding communities.

**AB 1930 (Skinner), Chapter 729, Statutes of 2014**, created a workgroup under DSS which sought to ensure students who actively participate in the education plans and meet all other eligibility requirements for CalFresh are adequately screened for exemptions from federal work requirements for SNAP benefits.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Alameda County Community Food Bank  
 California Catholic Conference  
 California Food Policy Advocates  
 Coalition of California Welfare Rights Organizations  
 Diablo Valley College  
 Disability Rights California  
 Dolores Huerta Foundation (Sponsor)  
 Empowering Pacific Islander Communities  
 Feeding San Diego  
 Food Bank of Contra Costa and Solano  
 Food for People, The Food Bank for Humboldt County  
 Legal Services for Prisoners with Children (Sponsor)  
 MomsRising (Sponsor)  
 National Association of Social Workers, California Chapter  
 Public Interest Law Project  
 Sacramento Food Bank & Family Services  
 Second Harvest Food Bank of Santa Clara & San Mateo Counties  
 San Francisco - Marin Food Bank  
 Showing Up for Racial Justice, Marin

Starting Over, Inc.  
The Women's Foundation of California  
Western Center on Law & Poverty, Inc. (Sponsor)  
Women's Foundation of California (Sponsor)  
Yolo Food Bank

**Opposition**

None on file

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