

AMENDED IN SENATE JUNE 30, 2010

AMENDED IN SENATE APRIL 28, 2010

AMENDED IN ASSEMBLY JANUARY 25, 2010

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 537

**Introduced by Assembly Member Arambula
(Coauthors: Assembly Members Caballero and Solorio)**

February 25, 2009

An act to add Section 10072.1 to the Welfare and Institutions Code, relating to public benefits.

LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, Arambula. Farmers' markets: electronic benefit transfers.

Existing law provides for the establishment of a statewide electronic benefit transfer (EBT) system for the purpose of providing financial and food assistance benefits to needy Californians.

This bill would require, with certain exceptions, a flea market, farmers' market, or certified farmers' market that does not have an EBT system in place by January 1, 2012, to designate or assign an interested Food and Nutrition Service (FNS)-authorized organization to operate an EBT acceptance system in the market, as specified. The bill would require the State Department of Social Services to consider and solicit

input from the market prior to making a designation or assignment authorized under the bill, to avoid potential conflicts, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10072.1 is added to the Welfare and
2 Institutions Code, to read:

3 10072.1. (a) The Legislature finds and declares that flea
4 markets, farmers' markets, and certified farmers' markets are
5 important sources of low-cost produce for Californians in need of
6 food assistance.

7 (b) (1) If by January 1, 2012, a market described in subdivision
8 (a) does not have a system in place for its produce sellers to accept
9 electronic benefit transfer (EBT) for purchases, the State
10 Department of Social Services, *to the extent and manner allowed*
11 *by federal law and regulation*, may designate or assign an
12 interested Food and Nutrition Service (FNS)-authorized
13 organization to operate an EBT acceptance system in the market
14 on behalf of the market's produce sellers. The market shall allow
15 and accommodate the FNS-authorized organization in a reasonable
16 manner that aids in the creation, implementation, and operation of
17 the EBT acceptance system.

18 (2) This subdivision shall not apply to a market described in
19 subdivision (a) that operates an active and current EBT acceptance
20 system.

21 (c) The State Department of Social Services shall consider and
22 solicit input from the market prior to making a designation or
23 assignment authorized under this section to avoid, among other
24 potential conflicts, the selection of an entity that is in direct
25 competition with the market being served. The department may
26 condition an assignment or designation, and remove an
27 FNS-authorized organization previously designated or assigned
28 by the department.

29 (d) Nothing in this section shall be interpreted to require a
30 market described in subdivision (a) to itself create, operate, or

- 1 maintain an EBT acceptance system on behalf of its produce
- 2 sellers.

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