

**ASSEMBLY BILL**

**No. 1560**

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**Introduced by Assembly Member Fuentes**

January 30, 2012

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An act to amend Section 18901.5 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1560, as introduced, Fuentes. CalFresh: categorical eligibility.

Existing law provides for the federal Supplemental Nutrition Assistance Program (SNAP), under which each county distributes nutrition assistance benefits provided by the federal government to eligible households, and the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. In California, federal nutrition assistance benefits are administered through CalFresh.

Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons.

Under existing law, the State Department of Social Services is required to develop a program of categorical eligibility under CalFresh for needy households who meet all other SNAP eligibility requirements, in accordance with federal law.

This bill would require the State Department of Social Services, to the extent permitted by federal law, to waive the CalFresh gross income test for any individual who is categorically eligible for CalFresh and who is a member of a household that receives, or is eligible to receive, medical assistance under the Medi-Cal program.

Because counties administer CalFresh, this bill would increase county duties by potentially expanding the eligible population, and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Poor nutrition threatens the health of 3.7 million low-income  
4 adults and over two million children who face food insecurity in  
5 California.

6 (b) Nutrition is a critical component of health. Adequate  
7 nutrition supports proper growth and development among children,  
8 and reduces the risk of chronic disease, such as cardiovascular  
9 disease, cancer, obesity, and diabetes.

10 (c) According to the United States Department of Agriculture,  
11 California has the lowest nutrition assistance participation rate in  
12 the country. Eligible low-income households that do not participate  
13 in CalFresh miss out on monthly nutrition assistance, and their  
14 children may not be certified for free school meals.

15 (d) The program of categorical eligibility provided for in this  
16 act will improve health, remove administrative barriers, and  
17 increase the amount of federal nutrition benefits coming to  
18 California.

19 SEC. 2. Section 18901.5 of the Welfare and Institutions Code  
20 is amended to read:

21 18901.5. (a) (1) The department shall establish a program of  
22 categorical eligibility for CalFresh in accordance with Section 5(a)  
23 of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec.  
24 2014(a)), and implementing regulations, to improve nutrition and  
25 promote the retention and development of assets and resources for

1 needy households who meet all other federal Supplemental  
2 Nutrition Assistance Program eligibility requirements. Categorical  
3 eligibility for CalFresh shall also apply to any individual who is  
4 a member of a household that will be receiving or is eligible to  
5 receive cash assistance under Part 5 (commencing with Section  
6 17000), or eligible to receive food assistance under Chapter 10.1  
7 (commencing with Section 18930).

8 *(2) The department, to the extent permitted by federal law, shall*  
9 *waive the CalFresh gross income test for any individual who is*  
10 *categorically eligible for CalFresh pursuant to paragraph (1),*  
11 *and who is a member of a household that receives, or is eligible*  
12 *to receive, medical assistance under Chapter 7 (commencing with*  
13 *Section 14000) of Part 3.*

14 (b) The director shall implement the program established  
15 pursuant to this section only with the appropriate federal  
16 authorization and if implementation would not result in the loss  
17 of federal financial participation.

18 (c) Notwithstanding the rulemaking provisions of the  
19 Administrative Procedure Act (Chapter 3.5 (commencing with  
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
21 Code) and Section 10554, until emergency regulations are filed  
22 with the Secretary of State, the State Department of Social Services  
23 may implement the changes made by subdivision (a) through  
24 all-county letters or similar instructions from the director. The  
25 department shall adopt emergency regulations as necessary to  
26 implement those amendments on or before January 1, 2010. The  
27 program established pursuant to this section shall be established  
28 on or before July 1, 2009, and shall be fully implemented as to  
29 new applicants for CalFresh on or before January 1, 2010.

30 (d) The department shall adopt regulations to implement this  
31 section. The adoption, amendment, repeal, or readoption of a  
32 regulation authorized by this section is deemed to address an  
33 emergency, for purposes of Sections 11346.1 and 11349.6 of the  
34 Government Code, and the department is hereby exempted for this  
35 purpose from the requirements of subdivision (b) of Section  
36 11346.1 of the Government Code. The emergency regulations shall  
37 be exempt from review by the Office of Administrative Law. The  
38 department shall adopt final regulations implementing the program  
39 authorized by this section on or before July 1, 2010.

1     SEC. 3. If the Commission on State Mandates determines that  
2     this act contains costs mandated by the state, reimbursement to  
3     local agencies and school districts for those costs shall be made  
4     pursuant to Part 7 (commencing with Section 17500) of Division  
5     4 of Title 2 of the Government Code.

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