

AMENDED IN ASSEMBLY MAY 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1560

Introduced by Assembly Member Fuentes

January 30, 2012

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 amended, 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.~~

20 ~~SECTION 1.~~ Section 18901.5 of the Welfare and Institutions
21 Code is amended to read:

22 18901.5. (a) (1) The department shall establish a program of
23 categorical eligibility for CalFresh in accordance with Section 5(a)

1 of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec.
2 2014(a)), and implementing regulations, to improve nutrition and
3 promote the retention and development of assets and resources for
4 needy households who meet all other federal Supplemental
5 Nutrition Assistance Program eligibility requirements. Categorical
6 eligibility for CalFresh shall also apply to any individual who is
7 a member of a household that will be receiving or is eligible to
8 receive cash assistance under Part 5 (commencing with Section
9 17000), or eligible to receive food assistance under Chapter 10.1
10 (commencing with Section 18930).

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

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

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

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

1 department shall adopt final regulations implementing the program
2 authorized by this section on or before July 1, 2010.

3 ~~SEC. 3.~~

4 *SEC. 2.* If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

O