

AMENDED IN ASSEMBLY MAY 11, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1747**

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**Introduced by Assembly Member Weber**  
*(Coauthors: Assembly Members Chiu and Lopez)*

February 2, 2016

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An act to add Section 66025.93 to the Education Code, and to amend Sections 18904.3 and 18995 of the Welfare and Institutions Code, relating to food assistance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, as amended, Weber. Food assistance: higher education students.

(1) Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing state law authorizes a county to deliver CalFresh benefits through the use of an electronic benefits transfer (EBT) system. Existing federal law authorizes counties to participate in the Restaurant Meals Program.

Existing law establishes the Cal Grant Program under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under the program for participating students attending qualifying institutions. Existing law requires each Cal Grant participating institution, as a condition for its voluntary participation

in the Cal Grant Program, to annually report to the commission specified information for its undergraduate programs.

This bill would require, as a condition of participation in the Cal Grant Program, each public and private postsecondary educational institution to ensure that surcharge-free transactions are accessible on each campus through the EBT system. The bill would also require educational institutions that are located in a county that participates in the Restaurant Meals Program to apply to become an approved food vendor for the program, if the institution operates any qualifying food facilities on campus, or to provide contracting food vendors with specified information about the program.

(2) Existing law requires the State Department of Social Services, if private nonprofit organizations are successful in raising money for CalFresh outreach activities and have secured a local governmental agency to serve as the contracting agency, upon request and subject to approval by the United States Department of Agriculture, to act as their state entity for the receipt of matching funds.

This bill would include public postsecondary educational institutions among the entities that may receive matching funds for conducting CalFresh outreach activities, as specified.

(3) Existing law requires the State Department of Social Services to establish and administer the State Emergency Food Assistance Program, to provide food and funding for the provision of emergency food to food banks, as provided. Existing law creates the State Emergency Food Assistance Program Account within the Emergency Food Assistance Program Fund and requires that moneys in the account, upon appropriation by the Legislature, be used by the program for the purchase, storage, and transportation of food grown or produced in California and for the department’s administrative costs.

This bill would establish the Public Higher Education Pantry Assistance Account in the Emergency Food Assistance Program Fund, and would require that moneys in the account, upon appropriation by the Legislature, be allocated to the department for allocation to food banks that support on-campus pantry and hunger relief efforts serving low-income students, 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. It is the intent of the Legislature to increase the  
2 college graduation rates of low-income Californians and to reduce  
3 the incidence of economic hardship and hunger among low-income  
4 college students.

5 SEC. 2. Section 66025.93 is added to the Education Code,  
6 immediately following Section 66025.92, to read:

7 66025.93. (a) As a condition of its participation in the Cal  
8 Grant Program, all of the following shall apply to public and private  
9 postsecondary education institutions:

10 (1) The institution shall ensure that surcharge-free transactions  
11 are accessible on each campus using the electronic benefits transfer  
12 (EBT) system established pursuant to Chapter 3 (commencing  
13 with Section 10065) of Part 1 of Division 9 of the Welfare and  
14 Institutions Code. *This paragraph does not prohibit or limit the*  
15 *imposition of a surcharge by an owner or operator, other than the*  
16 *institution, of an automated teller machine on a campus, or an*  
17 *issuer of an EBT card, if the surcharge is otherwise permitted by*  
18 *law.*

19 (2) If the institution is located in a county that participates in  
20 the Restaurant Meals Program established pursuant to Section  
21 2020 of Title 7 of the United States Code, the institution shall do  
22 all of the following:

23 (A) Apply to become an approved food vendor for the  
24 Restaurant Meals Program, if the institution operates any qualifying  
25 food facility on campus.

26 (B) Annually provide all on-campus food vendors not operated  
27 by the institution with information regarding the Restaurant Meals  
28 Program and the manner in which to apply.

29 (C) If an on-campus food vendor has been approved to  
30 participate in the Restaurant Meals Program, annually inform  
31 students about the program using information provided by the  
32 State Department of Social Services.

33 (b) This section does not require an institution to create, operate,  
34 or maintain an EBT system on behalf of on-campus food vendors.

35 (c) To the extent any contract would be substantially impaired  
36 as a result of the application of this section, this section shall apply  
37 only to contracts renewed or entered into on or after January 1,  
38 2017.

1 SEC. 3. Section 18904.3 of the Welfare and Institutions Code  
2 is amended to read:

3 18904.3. (a) If a private nonprofit organization or a public  
4 postsecondary educational institution is successful in raising money  
5 for CalFresh outreach activities and has secured a local  
6 governmental agency to serve as the contracting agency, the  
7 department shall, upon request and subject to approval by the  
8 United States Department of Agriculture, act as the organization's  
9 or institution's state entity for receipt of matching funds.

10 (b) Any reduction in federal funding to the state that is due to  
11 the result of any audit of CalFresh outreach contracts or activities  
12 shall be applied to the appropriate local government that served  
13 as the contracting agency for CalFresh outreach activities.

14 SEC. 4. Section 18995 of the Welfare and Institutions Code is  
15 amended to read:

16 18995. (a) On and after January 1, 2012, the State Department  
17 of Social Services shall establish and administer the State  
18 Emergency Food Assistance Program (SEFAP). The SEFAP shall  
19 provide food and funding for the provision of emergency food to  
20 food banks established pursuant to the federal Emergency Food  
21 Assistance Program (7 C.F.R. Parts 250 and 251) whose ongoing  
22 primary function is to facilitate the distribution of food to  
23 low-income households.

24 (b) (1) The State Emergency Food Assistance Program Account  
25 is hereby established in the Emergency Food Assistance Program  
26 Fund established pursuant to Section 18852 of the Revenue and  
27 Taxation Code, and may receive federal funds and voluntary  
28 donations or contributions.

29 (2) Notwithstanding Section 18853 of the Revenue and Taxation  
30 Code, the following shall apply:

31 (A) All moneys received by the State Emergency Food  
32 Assistance Program Account shall, upon appropriation by the  
33 Legislature, be allocated to the State Department of Social Services  
34 for allocation to the SEFAP and, with the exception of those  
35 contributions made pursuant to Section 18851 of the Revenue and  
36 Taxation Code and funds received through Parts 250 and 251 of  
37 Title 7 of the Code of Federal Regulations, shall be used for the  
38 purchase, storage, and transportation of food grown or produced  
39 in California. Storage and transportation expenditures shall not  
40 exceed 10 percent of the SEFAP fund's annual budget.

1 (B) Notwithstanding paragraph (1), funds received by the State  
2 Emergency Food Assistance Program Account shall, upon  
3 appropriation by the Legislature, be allocated to the State  
4 Department of Social Services for allocation to the SEFAP as  
5 described in paragraph (1), and shall, in part, be used to pay for  
6 the department's administrative costs associated with the  
7 administration of the SEFAP.

8 (c) (1) The Public Higher Education Pantry Assistance Program  
9 Account is hereby established in the Emergency Food Assistance  
10 Fund established pursuant to Section 18852 of the Revenue and  
11 Taxation Code.

12 (2) Notwithstanding Section 18853 of the Revenue and Taxation  
13 Code, funds in the Public Higher Education Pantry Assistance  
14 Account shall, upon appropriation by the Legislature, be allocated  
15 to the State Department of Social Services for allocation to food  
16 banks established pursuant to Parts 250 and 251 of Title 7 of the  
17 Code of Federal Regulations that meet both of the following  
18 criteria:

19 (A) The primary function of the food bank is the distribution  
20 of food to low-income households.

21 (B) The food bank has identified specific costs associated with  
22 supporting on-campus pantry and hunger relief efforts serving  
23 low-income students.