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AB-1957 Social services: communications: computer-generated text messages. (2017-2018)

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Date Published: 09/17/2018 09:00 PM

Assembly Bill No. 1957

CHAPTER 384

An act to add Section 11023.7 to the Welfare and Institutions Code, relating to public social services.

[Approved by Governor September 14, 2018. Filed with Secretary of State September 14, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1957, Berman. Social services: communications: computer-generated text messages.

Existing law provides for various public social services programs for purposes of providing on behalf of the general public, and within the limits of public resources, reasonable support and maintenance for needy and dependent families and persons, including, among others, the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals, CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county, and the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI), which provides cash benefits to aged, blind, and disabled legal immigrants who meet specified criteria.

This bill would authorize, if it is within its capacity, a county to communicate with applicants for, or recipients of, benefits under those programs via computer-generated text message. The bill would authorize a notice of action to be sent via computer-generated text message only using a link to a secure online portal, but would not require any other communications sent via computer-generated text message to be sent in this manner unless required by federal law or guidance. The bill would require all electronic technology used pursuant to these provisions to be in compliance with state information technology policy and related state and federal law.

The bill would require the State Department of Social Services to implement these provisions through an all-county letter or similar instruction no later than July 1, 2019, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature in enacting this act to support technology that has the capacity to improve the delivery of social safety net programs, maximize access to social safety net programs for individuals with limited Internet access, and ensure the rights of people with disabilities.

SEC. 2. Section 11023.7 is added to the Welfare and Institutions Code, to read:

11023.7. (a) If it is within the capacity of the county, a county may communicate with an applicant for, or recipient of, benefits under CalWORKs (Chapter 2 (commencing with Section 11200)), CalFresh (Chapter 10 (commencing with Section 18900)) of Part

6), or the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (Chapter 10.3 (commencing with Section 18937) of Part 6) via computer-generated text message. All communications and notices of actions sent via computer-generated text message shall comply with Section 227 of Title 47 of the United States Code.

(b) Communications sent via computer-generated text message shall not include case-identifying information, as that term is defined by the State Department of Social Services. Notices of action may only be sent via computer-generated text message pursuant to this section using a link to a secure online portal where the applicant or recipient can access the notice of action after securely logging in. All other communications sent via computer-generated text messages to an applicant or recipient are not required to be sent using a link to a secure online portal unless otherwise required by federal law or guidance.

(c) Only the first or last name, but not both, of an applicant or recipient may appear in a text message generated pursuant to this section.

(d) (1) All electronic technology used pursuant to this section shall be in compliance with state information technology policy, and related state and federal law, including, but not limited to, Sections 7405 and 11135 of the Government Code, Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the regulations implementing that act, as set forth in Part 1194 (commencing with Section 1194.1) of Chapter XI of Title 36 of the Code of Federal Regulations and Appendices A, C, and D of that part, and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and the obligation under these laws to communicate with people with disabilities in a manner that is as effective as communications with people without disabilities.

(2) This subdivision is declarative of existing law.

SEC. 3. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services shall implement this act through an all-county letter or similar instruction issued no later than July 1, 2019. This instruction shall be drafted in consultation with client advocates, representatives of county human services agencies, and representatives of county eligibility workers.