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AB-942 CalFresh: Restaurant Meals Program. (2019-2020)

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Assembly Bill No. 942

CHAPTER 814

An act to amend Section 18919 of the Welfare and Institutions Code, relating to CalFresh.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 942, Weber. CalFresh: Restaurant Meals Program.

Existing federal law provides for the federal 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 federal law authorizes eligible counties to participate in the Restaurant Meals Program (RMP), which allows eligible recipients to purchase meals at qualified restaurants.

Existing law requires the State Department of Social Services to issue an annual all-county letter providing guidance that lists which counties or regions are eligible to participate in the RMP and the instructions for how a county may choose to participate in RMP or appeal a determination by the department that the county is not eligible.

This bill, the Access to Safe Food Choices and Food Security Act of 2019, would require the department, to the extent permitted by federal law and in consultation with various stakeholders, to establish a statewide RMP. The bill would require the department to implement these provisions on or before September 1, 2020, and make other conforming changes.

This bill would incorporate additional changes to Section 18919 of the Welfare and Institutions Code proposed by AB 612 to be operative only if this bill and AB 612 are enacted and this bill is enacted last.

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

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

SECTION 1. This act shall be known, and referred to, as the Access to Safe Food Choices and Food Security Act of 2019.

SEC. 2. It is the intent of the Legislature to provide persons who are homeless, elderly, or disabled who are less able to use food aid in traditional ways with the option to purchase prepared foods with CalFresh food benefits at authorized locations that voluntarily participate in every county in California. Many of these individuals do not have the tools or appliances, or the physical abilities, necessary to prepare their own meals and this bill would provide these individuals with access to safe and readily available sources of food. Due to the fact that food insecurity is associated with the most costly health problems in the United States, this bill would provide certain communities at high risk for chronic hunger and with limited access to safe food options with the opportunity to maximize the use of existing CalFresh benefits to eat well and consistently.

SEC. 3. Section 18919 of the Welfare and Institutions Code is amended to read:

18919. (a) 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 department shall issue an annual all-county letter providing guidance that lists which counties or regions are eligible to participate in the Restaurant Meals Program (RMP) because they meet the requirements established in Section 4014 of the federal Agricultural Act of 2014 (Public Law 113-79). The department's all-county letter shall include instructions for how a county may choose to administer the RMP in that county or appeal a noneligible determination by the department.

(b) The department shall design the electronic benefits transfer (EBT) system established pursuant to Chapter 3 (commencing with Section 10065) of Part 1 to, automatically and upon issuance of an EBT card, allow all CalFresh recipients who are eligible for the RMP to utilize their benefits in all restaurants that have been approved to participate in the RMP.

(c) Except for direct farm purchasing programs or if otherwise not required at a certified farmer's market, a restaurant shall not operate as a vendor in the program unless the restaurant permits customers to make in-store purchases, maintains a current public health license, and complies with all federal, state, and local health and safety laws, regulations, and ordinances. For the purpose of this section, "in-store purchase" means any purchase that is not delivered to the purchaser.

(d) To the extent permitted by federal law, a county, in administering its RMP program, shall not be precluded from determining the number, type, and location of restaurants the county chooses to include as vendors to align with county administrative capacity or other factors, including, but not limited to, location of participating restaurants and recipient demand.

(e) (1) To the extent permitted by federal law, the department, in consultation with various stakeholders, including, but not limited to, county human services agencies and advocates for CalFresh recipients, shall establish a statewide RMP.

(2) 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 department shall implement this subdivision by means of all-county letters or similar instructions from the director on or before September 1, 2020.

(f) To prevent hunger among college students who are homeless, elderly, or disabled, and to facilitate compliance with Section 66025.93 of the Education Code, the department may enter into a statewide memorandum of understanding with the Chancellor of the California State University. Any qualifying food facility located on a campus of the California State University may participate in the CalFresh RMP through this statewide memorandum of understanding.

(g) For purposes of this section, unless it is specifically excluded from participation in the RMP by federal law or guidance, a restaurant includes, but is not necessarily limited to, an on-campus qualifying food facility, as defined in Section 66025.93 of the Education Code, an eat-in establishment, a grocery store delicatessen, and a takeaway-only restaurant.

SEC. 3.5. Section 18919 of the Welfare and Institutions Code is amended to read:

18919. (a) 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 department shall issue an annual all-county letter providing guidance that lists which counties or regions are eligible to participate in the Restaurant Meals Program (RMP) because they meet the requirements established in Section 4014 of the federal Agricultural Act of 2014 (Public Law 113-79). The department's all-county letter shall include instructions for how a county may choose to administer the RMP in that county or appeal a noneligible determination by the department.

(b) The department shall design the electronic benefits transfer (EBT) system established pursuant to Chapter 3 (commencing with Section 10065) of Part 1 to, automatically and upon issuance of an EBT card, allow all CalFresh recipients who are eligible for the RMP to utilize their benefits in all restaurants that have been approved to participate in the RMP.

(c) Except for direct farm purchasing programs or if otherwise not required at a certified farmer's market, a restaurant shall not operate as a vendor in the program unless the restaurant permits customers to make in-store purchases, maintains a current public health license, and complies with all federal, state, and local health and safety laws, regulations, and ordinances. For the purpose of this section, "in-store purchase" means any purchase that is not delivered to the purchaser.

(d) To the extent permitted by federal law, a county, in administering its RMP program, shall not be precluded from determining the number, type, and location of restaurants the county chooses to include as vendors to align with county administrative capacity or other factors, including, but not limited to, location of participating restaurants and recipient demand.

(e) (1) To the extent permitted by federal law, the department, in consultation with various stakeholders, including, but not limited to, county human services agencies and advocates for CalFresh recipients, shall establish a statewide RMP.

(2) 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 department shall implement this subdivision by means of all-county letters or similar instructions from the director on or before September 1, 2020.

(f) To prevent hunger among college students who are homeless, elderly, or disabled, and to facilitate compliance with Section 66025.93 of the Education Code, the department may enter into a statewide memorandum of understanding with the Chancellor of the California State University, the Chancellor of the California Community Colleges, or both. Any qualifying food facility located on a campus of the California State University or a campus of the California Community Colleges may participate in the CalFresh RMP through this statewide memorandum of understanding.

(g) For purposes of this section, unless it is specifically excluded from participation in the RMP by federal law or guidance, a restaurant includes, but is not necessarily limited to, an on-campus qualifying food facility, as defined in Section 66025.93 of the Education Code, an eat-in establishment, a grocery store delicatessen, and a takeaway-only restaurant.

SEC. 4. Section 3.5 of this bill incorporates amendments to Section 18919 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill 612. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 18919 of the Welfare and Institutions Code, and (3) this bill is enacted after Assembly Bill 612, in which case Section 3 of this bill shall not become operative.