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SB-1254 CalFresh: enrollment of incarcerated individuals. (2023-2024)

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Senate Bill No. 1254

CHAPTER 465

An act to add Section 18901.36 to the Welfare and Institutions Code, relating to public social services.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1254, Becker. CalFresh: enrollment of incarcerated individuals.

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 generally prohibits a resident of an institution from receiving supplemental nutrition assistance benefits.

Existing law requires the State Department of Social Services, if the department deems it necessary to maximize CalFresh enrollment outcomes or employment placement success rates for individuals reentering the community from the state prison or a county jail, to submit to the United States Department of Agriculture's Food and Nutrition Service a request to waive that prohibition to allow for preenrollment of applicants prior to their release.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Under existing law, subject to implementation of the California Advancing and Innovating Medi-Cal (CalAIM) initiative, a qualifying inmate of a public institution is eligible to receive targeted Medi-Cal services for 90 days, or the number of days approved in the CalAIM Terms and Conditions, before the date they are released from the institution, if otherwise eligible for Medi-Cal services.

This bill would require the State Department of Social Services to establish a CalFresh workgroup by February 1, 2026, composed of members with specified backgrounds, to meet no less than quarterly. The bill would require the workgroup to create and submit a report to the department and to the Legislature by August 31, 2027, and by August 31 annually thereafter, through 2030, with its recommendations for a state reentry process incorporating the necessary resources for transition from state prison or county jail to obtaining CalFresh benefits upon reentry into the community.

The bill would require the department, by January 1, 2026, to seek a certain federal waiver to allow for preenrollment of applicants prior to their release from the state prison or county jail.

The bill would require the department to partner with the Department of Corrections and Rehabilitation and county jails to allow for preenrollment of otherwise eligible applicants for the CalFresh program to ensure that an applicant's benefits may begin as soon as possible upon reentry of the applicant into the community from the state prison or county jail. The bill would condition implementation of that partnership in a given county on notification to the State Department of Health Care Services that the

corresponding county has implemented the Justice-Involved Initiative that is developed pursuant to the above-described CalAIM provisions. By creating new duties for county eligibility workers and county jail officials, the bill would impose a state-mandated local program.

The bill would make the provisions above operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement those provisions.

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 the statutory provisions noted above.

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

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

SECTION 1. Section 18901.36 is added to the Welfare and Institutions Code, to read:

18901.36. (a) (1) The department, by February 1, 2026, shall establish a CalFresh workgroup to create recommendations for a state reentry process incorporating the necessary resources for transition from state prison or county jail to obtaining CalFresh benefits upon reentry into the community. The composition of the workgroup shall consist of all of the following:

(A) Two representatives from the State Department of Social Services, including one from the Disability Determination Services Division.

(B) One representative from community-based organizations.

(C) One representative from the Department of Corrections and Rehabilitation.

(D) One representative from the California Health and Human Services Agency.

(E) One representative from the County Welfare Directors Association of California.

(F) Two impacted individuals who were recipients of CalFresh benefits prior to release.

(G) A sheriff or an individual appointed by a sheriff.

(H) One representative from a county human services agency with expertise in CalFresh.

(2) The workgroup shall consider how best to increase CalFresh enrollment for otherwise eligible applicants for the CalFresh program to ensure that an applicant's benefits begin upon the reentry of the applicant into the community from the state prison or county jail.

(3) The workgroup shall consider federal programs or applicable federal waivers to reduce food insecurity for individuals leaving incarceration and to aid in the reentry process.

(4) The workgroup shall meet no less than quarterly.

(b) By August 31, 2027, and annually by August 31 thereafter, through 2030, the workgroup shall create and submit a report to the department and the Legislature outlining the workgroup's recommendations. That report shall be submitted in compliance with Section 9795 of the Government Code.

(c) By January 1, 2026, the department shall seek a federal waiver of Section 273.1(b)(7)(vi) of Title 7 of the Code of Federal Regulations to allow for preenrollment of applicants prior to their release from the state prison or a county jail.

(d) By January 1, 2026, the department shall seek a federal waiver of Section 2721.3 of Title 7 of the Code of Federal Regulations to allow for delay of verification of incarcerated individuals for up to five months.

(e) The department shall seek any other relevant federal waivers necessary to implement this section.

(f) (1) Subject to paragraph (2), the department shall partner with the Department of Corrections and Rehabilitation and county jails to allow for preenrollment of otherwise eligible applicants who are ineligible because of their incarceration status for the CalFresh program to ensure that an applicant's benefits may begin as soon as possible upon reentry of the applicant into the community from the state prison or a county jail.

(2) In the case of a given county, the department shall implement the partnership described in paragraph (1) with the Department of Corrections and Rehabilitation and county jails upon notification to the State Department of Health Care Services that the corresponding county has implemented the Justice-Involved Initiative that is developed by the State Department of Health Care Services pursuant to CalAIM provisions, including, but not limited to, Section 14184.800.

(g) This section shall become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section.

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