

Assembly Bill No. 1894

CHAPTER 746

An act to amend Section 66025.93 of the Education Code, and to amend Section 18919 of the Welfare and Institutions Code, relating to postsecondary education.

[Approved by Governor September 26, 2018. Filed with Secretary of State September 26, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1894, Weber. Postsecondary education: student hunger.

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University; the University of California, under the administration of the Regents of the University of California; the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges; and independent institutions of higher education as the 4 segments of postsecondary education in this state.

Existing law requires each public and private postsecondary educational institution that is located in a county that participates in the Restaurant Meals Program (RMP) to apply to become an approved food vendor for the program, if the institution operates any qualifying food facilities, as defined, on campus, or to provide contracting on-campus food vendors, as defined, with specified information about the program.

This bill would require an approved on-campus qualifying food facility that participates in the RMP pursuant to the bill to meet all of the requirements for participation in that program. The bill would also provide that, for purposes of this provision, a qualifying food facility is a facility administered by the postsecondary educational institution.

(2) Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, 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 eligible counties to participate in the 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 noneligible determination by the department. Existing law also requires the department

to design the EBT system to, automatically and upon issuance of an EBT card, allow all CalFresh recipients who are eligible for RMP to utilize their benefits in all restaurants that have been approved to participate in RMP.

This bill would authorize the State Department of Social Services to enter into a statewide memorandum of understanding with the Chancellor of the California State University to prevent hunger among college students who are homeless, elderly, and disabled and to facilitate compliance with the provision described in (1) above. The bill would also authorize any qualifying food facility located on a campus of the California State University to participate in the CalFresh RMP through this statewide memorandum of understanding, even if the facility is located in a county that does not participate in the RMP. The bill would define “restaurant” for purposes of the bill to include an in-campus food facility, as defined.

The bill would also require the State Department of Social Services to implement this act by all-county letters or similar instructions until regulations are adopted. The bill would require the department to adopt regulations implementing the bill on or before October 1, 2020.

The people of the State of California do enact as follows:

SECTION 1. Section 66025.93 of the Education Code is amended to read:

66025.93. (a) Each public or private postsecondary educational institution that is located in a county that participates in the Restaurant Meals Program established pursuant to Section 2020 of Title 7 of the United States Code shall do all of the following:

(1) Apply to become an approved food vendor for the Restaurant Meals Program if the institution operates a qualifying food facility on campus.

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

(3) If an on-campus food vendor or a qualifying food facility has been approved to participate in the Restaurant Meals Program, annually inform students about the program using information provided by the State Department of Social Services.

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

(c) An approved on-campus food vendor or a qualifying food facility participating in the Restaurant Meals Program pursuant to this section, and a county in which the program is operated, shall meet the requirements of the Restaurant Meals Program. A qualifying food facility that participates in the Restaurant Meals Program pursuant to Section 18919 of the Welfare and Institutions Code shall meet all of the requirements for participation in that program.

(d) For purposes of this section:

(1) “On-campus food vendors” does not include any vendor that does not sell prepared food for onsite consumption or that sells food from a mobile food facility, as defined in Section 113831 of the Health and Safety Code.

(2) “Qualifying food facility” is a facility administered by a postsecondary educational institution that sells prepared food for onsite consumption.

SEC. 2. 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 participate in the RMP 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 where 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, nothing shall preclude a county that elects to participate in the RMP from determining the number, type, and location of restaurants the county may choose 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) 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, even if the facility is located in a county that does not participate in the RMP.

(f) 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. 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 Sections 1 and 2 of this act by all-county letters or similar instructions, until regulations are adopted. The State Department of Social Services shall adopt regulations implementing this section on or before October 1, 2020.