
SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair

2021 - 2022 Regular

Bill No: SB 108
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Version: March 17, 2021
Urgency: No
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Hearing Date: March 23, 2021
Fiscal: Yes

Subject: State Healthy Food Access Policy

SUMMARY

This bill declares that it is the established policy of the state that every human being has the right to access sufficient, affordable, and healthy food and requires all relevant state agencies to consider this policy when revising, adopting, or establishing policies, regulations, and grant criteria. The bill also requires the California Department of Social Services (CDSS), the California Department of Food and Agriculture (CDFA), and the Department of Conservation (DOC) to collaboratively submit a report to the Legislature relating to food access and recommendations to increase the availability of sufficient affordable and healthy food.

ABSTRACT

Existing Law:

- 1) Creates the CDFA and requires it to promote and protect the agricultural industry of the state. Further requires CDFA to seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber in a way that benefits the general welfare and economy of the state. Requires CDFA to seek to maintain the economic well-being of agriculturally dependent rural communities in this state. (*Food and Agriculture Code (FAC) 100 et seq.*)
- 2) Creates the DOC and requires that the work department shall be divided into at least the California Geological Survey, the Geologic Energy Management Division, the Division of Land Resource Protection, and the Division of Mine Reclamation. (*Public Resources Code 600 et seq.*)
- 3) Creates the CDSS and places within it the authority to administer the CalFresh and other state-operated social services programs. (*WIC 10550 et seq.*)

This Bill:

- 1) States legislative findings and declarations regarding food security and how climate change threatens food production.
- 2) Declares it the established policy of the state that every human being has the right to access sufficient, affordable, and healthy food.
- 3) Requires all relevant state agencies, including, but not limited to, CDSS, CDFR, and the State Department of Public Health (DPH), to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria, as specified.
- 4) Provides that the bill does not expand any obligation of the state to provide food or nutrition assistance or to require the expenditure of additional resources to develop food infrastructure.
- 5) Requires, by January 1, 2023, CDSS, CDFR, and DOC to collaboratively submit a report to the Legislature that addresses all of the following:
 - a) The number of people who currently use food assistance programs and the number of people predicted to use food assistance programs in 5 years, 10 years, 20 years, and 50 years.
 - b) The barriers to accessing food assistance currently faced by low-income Californians.
 - c) The steps the state is taking to address any barriers to accessing food assistance.
 - d) The steps the state can take to decrease the cost of food now and in the future.
 - e) The number of people that agricultural enterprises in California feed, both inside and outside of the state.
 - f) The types of food people in California primarily consume.
 - g) The anticipated impact changing water needs, changing weather, and changing climate patterns will have on the state's ability to ensure people have sufficient food.
 - h) An identification of crops that may survive better in the changing climate.
 - i) The departments' recommendations on all of the following:
 - i) How to mitigate any anticipated negative impacts to the food supply from changing water needs, changing weather, and changing climate patterns.
 - ii) The feasibility and necessity of shifting land use to address the impact of changing water needs, changing weather, and changing climate patterns.

- iii) Any other topic related to increasing the availability of sufficient affordable and healthy food.

FISCAL IMPACT

This bill has not yet been analyzed by a fiscal committee.

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, “California feeds the state, the nation and the world, but not all of its residents know where their or their children’s next meal will come from. This is likely to only continue getting worse as climate change, drought and population growth threaten our ability to produce and distribute the food we need.

With all this in mind, SB 108 looks to the future. The bill declares the Human Right to Food state policy; but it also requires reporting on the future of food in California, including what the impacts climate change and population growth will have on our ability to produce and feed our population, what we can and should do in terms of shifting land use to support our future food needs, and what we can do now and in the future to decrease the cost of food. “

Hunger

Hunger is a worldwide problem. According to a report titled, *The State of Food Security and Nutrition in the World 2020: Transforming food systems for affordable healthy diets*, “nearly 690 million people are hungry, or 8.9 percent of the world population – up by 10 million people in one year and by nearly 60 million in five years. The number of people affected by severe food insecurity, which is another measure that approximates hunger, shows a similar upward trend. In 2019, close to 750 million – or nearly one in ten people in the world – were exposed to severe levels of food insecurity.”¹

The report also states, “preliminary projections based on the latest available global economic outlooks suggest that the COVID-19 pandemic may [have] add[ed] an additional 83 to 132 million people to the ranks of the undernourished in 2020. Beyond hunger, a growing number of people have had to reduce the quantity and quality of the food they consume. Two billion people, or 25.9 percent of the global population, experienced hunger or did not have regular access to nutritious and sufficient food in 2019.”

Hunger is a national problem and it can affect people from all backgrounds. Many Americans, as exposed by the COVID-19 pandemic, are just one job loss or medical crisis away from food insecurity. Feeding America shares the following national statistics on hunger by subpopulation:

¹ FAO, IFAD, UNICEF, WFP and WHO. 2020. *The State of Food Security and Nutrition in the World 2020. Transforming food systems for affordable healthy diets*. Rome, FAO.

- 84 percent of households served by Feeding America report buying the cheapest food, instead of healthy food, in order to provide enough to eat.
- The rate of hunger among seniors aged 60 and older has increased by 38 percent since 2001.
- 63 percent of senior households served by the Feeding America network are forced to choose between food and medical care.
- Households served by the Feeding America network that includes an adult of the age 50 or older are at an increased risk of having someone with a chronic health condition, including diabetes (41 percent) and high blood pressure (70 percent).
- Before the pandemic, Latinos were almost twice as likely to face food insecurity than non-Hispanic, white individuals with 19 percent of Latino children at risk for hunger.
- In 2019, 2.2 million households in rural communities faced hunger.
- Before the COVID-19 pandemic, 1 in 5 Black people were food insecure, including 1 in 4 Black children.

Hunger is also a statewide problem. Although California is the greatest food-producing state in the country, about 10 million of California's children and adults face food insecurity, according to the California Association of Food Banks.² They also report that, on average, one out of every four Californians does not know where their next meal will come from and Black and Latinx families with children experience greater levels of hunger.

Because of limited financial resources, those who are food insecure sometime use cost cutting measures to stretch budgets that are harmful to their health, such as: engaging in cost-related medication underuse or nonadherence; postponing or declining medical care; forgoing the foods needed for special medical diets; purchasing a low-cost diet that relies on energy-dense, but nutrient-poor, foods; diluting or rationing infant formula; and making trade-offs between food and other basic necessities, like housing, utilities, transportation. Furthermore, the impacts of childhood hunger are well known. Children who live in households experiencing food hardship are at higher risk of health, academic, behavioral, and emotional problems than those who do not.

This committee held a hearing in November 2020 on *Fighting Hunger: Food Assistance for Vulnerable Populations During the COVID-19 Pandemic*. That hearing exposed how many Californians were living on the verge of needing food assistance prior to the pandemic and how the pandemic caused surge in need for assistance was taxing food assistance programs and the food delivery systems.

Food Assistance Programs

There are a number of food assistance programs operating throughout California. The following is a brief description of some of the largest and most well-known programs.

CalFresh, California's version of federal SNAP, provides monthly food benefits to qualified low-

² <https://www.cafoodbanks.org/hunger-data/>

income individuals and families to assist with the purchase of the food they need to maintain adequate nutrition levels. With 2.38 million households (and over 4.44 million people) receiving benefits, CalFresh is the largest nutrition assistance program in California. CalFresh benefits are 100 percent federally funded and income eligibility standards and benefit levels are established by the federal government, with one standard used nationally.

Those in need of food assistance can also get help from thousands of food distribution sites. Food banks collect and distribute food to hunger-relief entities, like food pantries or food closets, which in turn distribute the food within their local communities. They distribute bags or boxes of food directly to needy families and individuals without requiring those families or individuals verify eligibility.

The California Department of Education administers meal programs that target school age children. The main programs are the National School Lunch Program, School Breakfast Program, and Summer Food Service Program, which provide free or reduced priced healthy meals to income eligible students.

The California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is a federally funded program that provides supplemental foods, nutrition education and referrals to health care, at no cost, to low-income pregnant, breastfeeding and postpartum women, infants, and children up to age five who are determined to be at nutritional risk. To be eligible for WIC, applicants must be determined by a health professional to be at nutritional risk (i.e., have certain medical-based or diet-based risk conditions). WIC is operated at the state level by DPH.

There are numerous nutrition programs that provide meals for older adults. These services are typically offered at congregate nutrition sites or through home delivered meals. Both congregate nutrition and home delivered meals serve broad populations, with preference given to those in the greatest economic or social need. Before COVID-19, many older adults received nutrition assistance in congregate settings, such as in senior centers, and through Area Agencies on Aging (AAAs), Community-Based Adult Services, Adult Day Services, and Multi-Purposes Senior Services Programs. Federally funded Home-Delivered Nutrition Programs, commonly referred to as Meals on Wheels, is a longstanding program that delivers healthy meals to older adults who cannot go out and purchase food and/or prepare meals in their homes. Meals on Wheels is primarily funded by the Older Americans Act and often administered by local AAAs.

Known Barriers to Food Assistance

Obtaining food assistance typically requires paperwork, which is often cited as the largest barrier to accessing the CalFresh and other programs. There are many ways to streamline bureaucracies, and, in recent years, much work has been done to identify and remove barriers to accessing nutrition assistance. This includes making recipients who are eligible for Medi-Cal categorically eligible for CalFresh, removing asset tests and finger imaging requirements, increasing guidance to counties for implementing online and phone applications, integration with other social service programs, including Medi-Cal, California Work Opportunity and Responsibility to Kids (CalWORKs), and WIC. Most recently, California eliminated the “cashout” policy, which made CalFresh newly available to about 500,000 SSI/SSP recipients.

Historically, California's CalFresh participation rate has been at or near the lowest in the nation, with only about 70 percent of eligible recipients enrolled in CalFresh. This means about 30 percent of those eligible are not receiving CalFresh. According to the most recent pre-pandemic data, only 19 percent of eligible older Californians are enrolled in CalFresh, which is the lowest rate of any state in the nation. While numerous factors contribute to California's low take up rate for CalFresh, two commonly cited reasons for low enrollment are the complicated enrollment and recertification processes, especially for people who are elderly or disabled. Additional barriers to senior participation in CalFresh include social and linguistic isolation, lack of knowledge about the benefit, confusion about eligibility requirements, difficulty filling out an application and stigma. Churn, the circumstance in which people become dis-enrolled and have to reapply for CalFresh due to missing paperwork or other program requirements, is also a persistent issue. Additionally, the college student rules for enrolling and remaining on CalFresh can be difficult to understand and comply with. For the immigrant community poor translation services and misinformation on eligibility have also been identified as barriers to food assistance.

People who live in rural areas often face hunger at higher rates, in part because of the unique challenges living remotely presents. These challenges include lack of transportation when the nearest grocery store, food pantry, or food bank is potentially hours away, job opportunities that are more concentrated in low-wage industries, and higher rates of unemployment and underemployment.

Related/Prior Legislation:

SB 107 (Wiener, 2021) requires the CDSS to develop a CalFresh user-centered application for seniors 60 years of age or older and for people with disabilities who are eligible to be enrolled in the Elderly Simplified Application Project. It gives an individual the option to apply, report, and recertify for CalFresh in person, by mail, online, or by telephone, and permits an individual to complete the interview requirement and client signature by telephone, as specified.

SB 882 (Wiener, 2020) would have required CDSS to expand its participation in the federal ESAP by developing a user-centered application for seniors and waiving the semi-annual reporting for ESAP households. The bill also would have given an individual the option to apply, report, and recertify for CalFresh in person, by mail, online, or by telephone and permitted an individual to complete the interview requirement and client signature by telephone. This bill was held in the Senate Appropriations Committee.

AB 1811 (Committee on Budget, Chapter 35, Statutes of 2018) granted CalFresh eligibility to recipients of Supplemental Security Income, State Supplementary Payment, or both as of June 1, 2019, among other things.

AB 191 (Bocanegra, Chapter 669, Statutes of 2013) streamlined CalFresh eligibility for Medi-Cal recipients and their families by making low-income households with a Medi-Cal recipient (with gross income up to 200 percent FPL) categorically eligible for CalFresh, thereby removing a CalFresh income barrier, and improving alignment between CalFresh and Medi-Cal.

AB 6 (Fuentes, Chapter 501, Statutes of 2011) modernized CalFresh by moving California to semi-annual reporting, eliminating finger imaging for CalFresh, and implementing a "Heat and Eat" program.

AB 69 (Beall, Chapter 502, Statutes of 2011) allowed counties to identify, through the Social Security Administration (SSA) benefits database, seniors who may be eligible for CalFresh benefits in order to enroll them in the program and improve their nutrition.

AB 433 (Beall, Chapter 625, Statutes of 2008) required CDSS to establish categorical eligibility for the Food Stamp Program, thereby removing the asset test for CalFresh eligibility and application. The bill also renamed and rebranded food stamps as CalFresh since “food stamps” no longer existed.

COMMENTS

This bill states that it is the policy of the state that every human being has the right to access sufficient affordable and healthy food. The bill seeks to address the need for affordable and healthy food in a two-fold approach that is intended to ultimately eliminate barriers to food assistance and identify how to mitigate anticipated negative impacts on the food supply due to changing water, weather and climate patterns.

This analysis is focused solely on some of the larger food assistance programs operating in California. This bill will likely be heard in the Senate Agriculture Committee for a discussion regarding food production and supply.

While there has been work to identify and address barriers to some of California’s nutrition programs, most significantly for CalFresh, there appears to be no such work to address barriers in a systematic way and across all food assistance programs. This bill will require a report to the Legislature that will include, among other things, the barriers to accessing food assistance currently faced by low-income Californians and the steps the state is taking to address any barriers to accessing food assistance. Should the bill move out of this committee, the author should consider requiring that the report also include recommendations on how to address those barriers. Additionally, it might be appropriate to designate a single department to take the lead in preparing the report. Given the focus on food production, that department might be CDFA. Finally, given the wide scope of the report, it might be worth considering bring other departments, such as DPH which administers WIC, to collaborate on the report writing team.

POSITIONS

Support:

None received.

Oppose:

None received.

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