

Introduced by Senator Smallwood-Cuevas

February 6, 2025

An act to amend, repeal, and add Section 11265.8 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

SB 290, as introduced, Smallwood-Cuevas. CalWORKs.

Existing law generally prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any public or private elementary or secondary school, childcare center, day nursery, nursery school, family daycare home, or development center, unless prior to the person's admission to that institution they have been fully immunized against various diseases, including measles, mumps, and pertussis, subject to any specific age criteria.

Existing law establishes 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 using federal, state, and county funds. Existing law also requires all applicants for or recipients of CalWORKs to ensure and provide documentation that each child in the assistance unit who is not required to be enrolled in school has received all age-appropriate immunizations, as specified, and prohibits the needs of all parents or caretaker relatives in the assistance unit from being considered in determining the grant to the assistance unit until the required documentation is provided. Existing law requires a notice of that immunization requirement to be given to an applicant or recipient at the time of application and at the next redetermination of eligibility for aid.

This bill would, commencing July 1, 2026, or the date when the State Department of Social Services has made a specified determination, whichever is later, repeal the requirement under CalWORKs for children who are not required to be enrolled in school to be immunized and repeal the prohibition on considering the needs of parents or caretaker relatives in determining the grant to the assistance unit until the required documentation is provided. The bill would instead require that notice to advise applicants and recipients of the existing obligation for children admitted to a public or private elementary or secondary school, childcare center, day nursery, nursery school, family daycare home, or development center, to secure the immunizations required for that admission.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would provide that the continuous appropriation would not be made for the purposes of implementing the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 11265.8 of the Welfare and Institutions
2 Code is amended to read:
3 11265.8. (a) All applicants for aid under this chapter, within
4 30 days of the determination of eligibility for Medi-Cal benefits
5 under Chapter 7 (commencing with Section 14000), and 45 days
6 for applicants already eligible for benefits under Chapter 7
7 (commencing with Section 14000), and all recipients of aid under
8 this chapter within 45 days of a full or financial redetermination
9 of eligibility for aid under this chapter, shall provide documentation
10 that all children in the assistance unit not required to be enrolled
11 in school have received all age appropriate immunizations, unless
12 it has been medically determined that an immunization for a child
13 is not appropriate or the applicant or recipient has filed with the
14 county welfare department an affidavit that the immunizations are
15 contrary to the applicant's or recipient's beliefs. If the county
16 determines that good cause exists for not providing the required
17 documentation due to lack of reasonable access to immunization
18 services, the period shall be extended by an additional 30 days. A
19 circumstance that shall constitute good cause includes, but is not

limited to, the applicant or recipient does not have reasonable access to immunization services due to a situation of domestic violence. If the documentation is not provided within the required time period, the needs of all parents or caretaker relatives in the assistance unit shall not be considered in determining the grant to the assistance unit under Section 11450 until the required documentation is provided. The department shall track and maintain information concerning the number of sanctions imposed under this section.

(b) At the time of application and at the next redetermination of eligibility for aid under this chapter, all applicants and recipients shall be given notice advising them of their obligation to secure the immunizations required in subdivision (a). The notice shall also contain all of the following:

(1) The Recommended Childhood Immunization Schedule, United States, and the Recommended Immunization Schedule for Children Not Immunized on Schedule in the First Year of Life, as appropriate, approved by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(2) A description of how to obtain the immunizations through a fee-for-service provider that accepts Medi-Cal, a Medi-Cal managed care plan, a county public health clinic, or any other source that may be available in the county as appropriate.

(3) A statement that the applicant or recipient may file an affidavit claiming that the immunizations are contrary to the applicant's or recipient's beliefs.

~~(e) This section shall become operative on July 1, 2018.~~

(c) This section shall become inoperative on July 1, 2026, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, as added by Section 2 of the act that added this subdivision, whichever date is later, and, as of the following January 1, is repealed.

SEC. 2. Section 11265.8 is added to the Welfare and Institutions Code, to read:

11265.8. (a) At the time of application and at the next redetermination of eligibility for aid under this chapter, all applicants and recipients shall be given notice advising them of their obligation to secure the immunizations required in Chapter

1 1 (commencing with Section 120325) of Chapter 1 of Part 2 of
2 Division 105 of the Health and Safety Code. The notice shall also
3 contain both of the following:

4 (1) The Recommended Childhood Immunization Schedule,
5 United States, and the Recommended Immunization Schedule for
6 Children Not Immunized on Schedule in the First Year of Life, as
7 appropriate, approved by the Advisory Committee on Immunization
8 Practices, the American Academy of Pediatrics, and the American
9 Academy of Family Physicians.

10 (2) A description of how to obtain the immunizations through
11 a fee-for-service provider that accepts Medi-Cal, a Medi-Cal
12 managed care plan, a county public health clinic, or any other
13 source that may be available in the county as appropriate.

14 (b) This section shall become operative on July 1, 2026, or when
15 the department notifies the Legislature that the Statewide
16 Automated Welfare System can perform the necessary automation
17 to implement this section, whichever date is later.

18 SEC. 3. No appropriation pursuant to Section 15200 of the
19 Welfare and Institutions Code shall be made for purposes of this
20 act.