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SENATE BILL 5794

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State of Washington

64th Legislature

2015 Regular Session

By Senators McAuliffe, Kohl-Welles, Lias, Billig, Jayapal, Cleveland, Chase, Darneille, and Hasegawa

Read first time 02/03/15. Referred to Committee on Human Services, Mental Health & Housing.

1 AN ACT Relating to requiring the department of social and health  
2 services to request all necessary exemptions and waivers from the  
3 federal government to allow students to use electronic benefit  
4 transfer cards at institutions of higher education; creating new  
5 sections; and providing a contingent expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that students  
8 who receive supplemental nutrition assistance program benefits in the  
9 form of an electronic benefit transfer card cannot use these benefits  
10 to purchase food items from on-campus food retail establishments at  
11 public or private institutions of higher education. On-campus food  
12 retail establishments or point-of-sale locations such as cafeterias,  
13 bookstores, and cafes do not qualify as retail food stores under the  
14 federal food and nutrition act of 2008 because these on-campus food  
15 retail establishments either do not sell enough categories of staple  
16 foods or do not gross over fifty percent of their total sales from  
17 staple foods.

18 (2) The legislature recognizes that students perform better in  
19 classes on a full stomach, yet finds that students who receive  
20 supplemental nutrition assistance program benefits have to travel off

1 campus to use their benefits at a participating vendor, incurring  
2 extra travel costs and reduced study time.

3 (3) The legislature finds that this limitation on the use of  
4 supplemental nutrition assistance program benefits is a barrier that  
5 prevents public and private institutions of higher education from  
6 providing equal access to food retail establishments on campuses to  
7 all students, faculty, and staff regardless of economic status. The  
8 legislature recognizes that eliminating this barrier is vital to  
9 assuring equal access to every aspect of Washington's public and  
10 private institutions of higher education.

11 (4) The legislature intends to have the department of social and  
12 health services request a waiver from the United States department of  
13 agriculture to allow students to use their electronic benefit  
14 transfer card at on-campus food retail establishments at Washington's  
15 public and private institutions of higher education.

16 NEW SECTION. **Sec. 2.** The department of social and health  
17 services shall, in consultation with the state board for community  
18 and technical colleges and the student achievement council, seek all  
19 necessary exemptions and waivers from and amendments to federal  
20 statutes, rules, and regulations. These exemption and waiver requests  
21 shall seek to authorize Washington's public and private institutions  
22 of higher education to accept supplemental nutrition assistance  
23 program benefits in the form of an electronic benefit transfer card  
24 at the institutions' on-campus food retail establishments. The  
25 department shall report to the appropriate legislative committees  
26 quarterly on the efforts to secure the federal changes to permit full  
27 implementation of this act at the earliest possible date.

28 NEW SECTION. **Sec. 3.** In the event that the department of social  
29 and health services is not able to obtain the necessary exemptions,  
30 waivers, or amendments referred to in section 2 of this act before  
31 January 1, 2018, this act expires on that date and has no further  
32 force or effect.

33 NEW SECTION. **Sec. 4.** If any part of this act is found to be in  
34 conflict with federal requirements that are a prescribed condition to  
35 the allocation of federal funds to the state, the conflicting part of  
36 this act is inoperative solely to the extent of the conflict and with  
37 respect to the agencies directly affected, and this finding does not

1 affect the operation of the remainder of this act in its application  
2 to the agencies concerned. Rules adopted under this act must meet  
3 federal requirements that are a necessary condition to the receipt of  
4 federal funds by the state.

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