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**SUBSTITUTE SENATE BILL 6157**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Health & Human Services (originally sponsored by Senators Talmadge, Winsley, Wojahn, McAuliffe and Fraser)

Read first time 02/04/94.

1 AN ACT Relating to the 1994 omnibus antihunger act; amending RCW  
2 43.19.010, 69.80.900, 38.12.020, 28A.235.140, 28A.235.150, and  
3 28A.235.155; adding a new section to chapter 43.19 RCW; adding a new  
4 section to chapter 69.80 RCW; adding new sections to chapter 43.20 RCW;  
5 adding a new section to Title 15 RCW; adding a new section to chapter  
6 72.09 RCW; adding a new section to chapter 81.04 RCW; adding a new  
7 section to Title 75 RCW; adding new sections to chapter 28A.235 RCW;  
8 adding a new section to chapter 43.70 RCW; adding a new section to  
9 chapter 28B.30 RCW; adding a new section to chapter 74.04 RCW; creating  
10 new sections; repealing RCW 69.80.030 and 69.80.040; making  
11 appropriations; and declaring an emergency.

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

13 NEW SECTION. **Sec. 1.** Despite the efforts of many dedicated  
14 individuals, and the existence of several state, federal, and private  
15 antihunger programs, thousands of Washingtonians are still confronted  
16 with hunger as a part of their daily lives. Food banks, emergency food  
17 programs, school breakfast and lunch programs, charitable kitchens, and  
18 special programs for pregnant women, infants, and the elderly are all  
19 challenged to meet increased needs. Yet Washington is a leading

1 agricultural state, and has access to ocean fisheries, and many human  
2 and technological resources that are underutilized.

3 The legislature finds that food policy in Washington state suffers  
4 inefficiencies and lack of connectivity, due to geographical dispersion  
5 of the resources needed to address hunger. Although the state agencies  
6 charged with various antihunger programs have improved their ability to  
7 work together, the existence of unmet service needs, particularly among  
8 women, infants, schoolchildren, and the elderly, justifies a new  
9 commitment to seeking ways in which to build capacity, improve cost-  
10 effectiveness, improve cross-referrals and co-siting among programs,  
11 and encourage active participation in food programs by food producers.

12 The legislature finds that the state has an interest in helping  
13 hungry persons obtain adequate nutrition. It is established science  
14 that well-nourished children perform better in school, and that  
15 appropriate nutrition plays a major role in health maintenance,  
16 especially for such populations as the elderly, enabling them to  
17 maintain independence and saving medical costs.

18 Significantly, proper prenatal nutrition prevents low birthweight  
19 in babies, and infant mental and physical well-being is directly tied  
20 to adequacy of diet. Given the strong medical connection between  
21 nutritional adequacy and well-being, the legislature finds that, as a  
22 component of the state's health care reform efforts, it is vital to  
23 improve the nutritional status of Washingtonians by all reasonable  
24 means.

25 **Sec. 2.** RCW 43.19.010 and 1993 c 472 s 19 are each amended to read  
26 as follows:

27 The department of general administration shall be organized into  
28 divisions, which shall include (1) the division of capitol buildings,  
29 (2) the division of purchasing, (3) the division of engineering and  
30 architecture, and (4) the division of motor vehicle transportation  
31 service.

32 The director of general administration shall have charge and  
33 general supervision of the department. He or she may appoint and  
34 deputize such clerical and other assistants as may be necessary for the  
35 general administration of the department. The director shall appoint  
36 the antihunger coordinator to administer the office of antihunger under  
37 section 3 of this act. The director of general administration shall  
38 receive a salary in an amount fixed by the governor.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 43.19 RCW  
2 to read as follows:

3        The office of antihunger is created in the department of general  
4 administration.    The department, in addition to its current authority,  
5 shall establish and administer the office.    The antihunger coordinator  
6 has the following powers and duties:

7        (1) Act as a network to contact and coordinate state hunger  
8 programs among public agencies that provide food, food stamps, food  
9 stamp nutrition education, meals, or distribution, including:

- 10        (a) The interagency food issues committee;
- 11        (b) Department of agriculture;
- 12        (c) Washington state national guard;
- 13        (d) Department of corrections;
- 14        (e) Department of health;
- 15        (f) Department of social and health services;
- 16        (g) Department of transportation and the transportation commission;
- 17        (h) Department of fish and wildlife;
- 18        (i) Department of community, trade, and economic development; and
- 19        (j) Office of the superintendent of public instruction.

20        (2) Provide technical support, including identification of  
21 transportation and distribution opportunities to state agencies and  
22 programs in their development of plans to contribute to hunger relief,  
23 and receive technical support from an advisory committee composed of  
24 the agencies set forth in this section and the voluntary participation  
25 of the Washington antihunger and nutrition coalition.

26        (3) Nothing in this section shall be construed to give the  
27 antihunger coordinator statutory authority over the activities of food  
28 banks, charitable kitchens, private food distributors, or private  
29 nonprofit emergency food providers.

30        (4) All agencies identified in this section shall cooperate with  
31 the antihunger coordinator to carry out the duties set forth in chapter  
32 . . . , Laws of 1994 (this act), and shall provide information and data  
33 as requested by the antihunger coordinator, including annual reporting,  
34 by November 1 of each year, concerning the status and progress of each  
35 agency's antihunger efforts.

36        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 69.80 RCW  
37 to read as follows:

1 (1) This section may be cited as the "Good Samaritan Food Donation  
2 Act."

3 (2) As used in this section:

4 (a) "Apparently fit grocery product" means a grocery product that  
5 meets all quality and labeling standards imposed by federal, state, and  
6 local laws and regulations even though the product may not be readily  
7 marketable due to appearance, age, freshness, grade, size, surplus, or  
8 other conditions.

9 (b) "Apparently wholesome food" means food that meets all quality  
10 and labeling standards imposed by federal, state, and local laws and  
11 regulations even though the food may not be readily marketable due to  
12 appearance, age, freshness, grade, size, surplus, or other conditions.

13 (c) "Donate" means to give without requiring anything of monetary  
14 value from the recipient, except that the term shall include giving by  
15 a nonprofit organization to another nonprofit organization,  
16 notwithstanding that the donor organization has charged a nominal fee  
17 to the donee organization, if the ultimate recipient or user is not  
18 required to give anything of monetary value.

19 (d) "Food" means a raw, cooked, processed, or prepared edible  
20 substance, ice, beverage, or ingredient used or intended for use in  
21 whole or in part for human consumption.

22 (e) "Gleaner" means a person who harvests for free distribution to  
23 the needy, or for donation to a nonprofit organization for ultimate  
24 distribution to the needy, an agricultural crop that has been donated  
25 by the owner.

26 (f) "Grocery product" means a nonfood grocery product, including a  
27 disposable paper or plastic product, household cleaning product,  
28 laundry detergent, cleaning product, or miscellaneous household item.

29 (g) "Gross negligence" means voluntary and conscious conduct by a  
30 person with knowledge, at the time of the conduct, that the conduct is  
31 likely to be harmful to the health or well-being of another person.

32 (h) "Intentional misconduct" means conduct by a person with  
33 knowledge, at the time of the conduct, that the conduct is harmful to  
34 the health or well-being of another person.

35 (i) "Nonprofit organization" means an incorporated or  
36 unincorporated entity that:

37 (i) Is operating for religious, charitable, or educational  
38 purposes; and

1 (ii) Does not provide net earnings to, or operate in any other  
2 manner that inures to the benefit of, any officer, employee, or  
3 shareholder of the entity.

4 (j) "Person" means an individual, corporation, partnership,  
5 organization, association, or governmental entity, including a retail  
6 grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer,  
7 farmer, and nonprofit food distributor or hospital. In the case of a  
8 corporation, partnership, organization, association, or governmental  
9 entity, the term includes an officer, director, partner, deacon,  
10 trustee, councilmember, or other elected or appointed individual  
11 responsible for the governance of the entity.

12 (3) A person or gleaner is not subject to civil or criminal  
13 liability arising from the nature, age, packaging, or condition of  
14 apparently wholesome food or an apparently fit grocery product that the  
15 person or gleaner donates in good faith to a nonprofit organization for  
16 ultimate distribution to needy individuals, except that this subsection  
17 does not apply to an injury to or death of an ultimate user or  
18 recipient of the food or grocery product that results from an act or  
19 omission of the donor constituting gross negligence or intentional  
20 misconduct.

21 (4) A person who allows the collection or gleaning of donations on  
22 property owned or occupied by the person by gleaners, or paid or unpaid  
23 representatives of a nonprofit organization, for ultimate distribution  
24 to needy individuals is not subject to civil or criminal liability that  
25 arises due to the injury or death of the gleaner or representative,  
26 except that this subsection does not apply to an injury or death that  
27 results from an act or omission of the person constituting gross  
28 negligence or intentional misconduct.

29 (5) If some or all of the donated food and grocery products do not  
30 meet all quality and labeling standards imposed by federal, state, and  
31 local laws and regulations, the person or gleaner who donates the food  
32 and grocery products is not subject to civil or criminal liability in  
33 accordance with this section if the nonprofit organization that  
34 receives the donated food or grocery products:

35 (a) Is informed by the donor of the distressed or defective  
36 condition of the donated food or grocery products;

37 (b) Agrees to recondition the donated food or grocery products to  
38 comply with all the quality and labeling standards prior to  
39 distribution; and

1 (c) Is knowledgeable of the standards to properly recondition the  
2 donated food or grocery product.

3 (6) This section may not be construed to create liability.

4 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each  
5 repealed:

6 (1) RCW 69.80.030 and 1983 c 241 s 3; and

7 (2) RCW 69.80.040 and 1983 c 241 s 4.

8 **Sec. 6.** RCW 69.80.900 and 1983 c 241 s 5 are each amended to read  
9 as follows:

10 Nothing in this chapter may be construed to create any liability  
11 of, or penalty against a donor or distributing organization except as  
12 provided in ((RCW 69.80.030)) section 4 of this act.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.20 RCW  
14 to read as follows:

15 The food service operations of nonprofit organizations other than  
16 schools, child care centers, or senior nutrition centers, that serve  
17 meals free of charge or for a nominal fee on an occasional basis not to  
18 exceed two times per month, and that are regulated by the board of  
19 health through local health authorities shall be inspected without fee,  
20 for compliance for food service or food handler permits. This section  
21 does not apply to food served by nonprofits as a fund-raising effort.

22 NEW SECTION. **Sec. 8.** A new section is added to Title 15 RCW to  
23 read as follows:

24 (1) Agricultural commodity commissions established by statute or  
25 rule that deal with food product are encouraged to facilitate and  
26 promote the voluntary donation and gleaning of surplus commodities and  
27 nonmarketable product, when available and in the manner to be  
28 determined by each commission, by dealers, producers, growers,  
29 processors, warehousemen, and others involved with each respective  
30 commission.

31 (2) The commodities commissions shall, to the extent possible,  
32 report to the department of agriculture all donations given by the  
33 entities set forth in this section, in annual reports due October 15th,  
34 covering October 1st through September 30th.

1       **Sec. 9.** RCW 38.12.020 and 1989 c 19 s 12 are each amended to read  
2 as follows:

3       The adjutant general shall:

4       (1) Keep rosters of all active, reserve, and retired officers of  
5 the militia, and all other records, and papers required to be kept and  
6 filed therein, and shall submit to the governor such reports of the  
7 operations and conditions of the organized militia as the governor may  
8 require.

9       (2) Cause the military law, and such other military publications as  
10 may be necessary for the military service, to be prepared and  
11 distributed at the expense of the state, to the departments and units  
12 of the organized militia.

13       (3) Keep just and true accounts of all moneys received and  
14 disbursed by him or her.

15       (4) Attest all commissions issued to military officers of this  
16 state.

17       (5) Make out and transmit all militia reports, returns, and  
18 communications prescribed by acts of congress or by direction of the  
19 department of defense and the national guard bureau.

20       (6) Have a seal, and all copies, orders, records, and papers in his  
21 or her office, duly certified and authenticated under the seal, shall  
22 be evidence in all cases in like manner as if the originals were  
23 produced. The seal now used in the office of the adjutant general  
24 shall be the seal of his or her office and shall be delivered by him or  
25 her to the successor. All orders issued from his or her office shall  
26 be authenticated with the seal.

27       (7) Make such regulations pertaining to the preparation of reports  
28 and returns and to the use, maintenance, care, and preservation of  
29 property in possession of the state for military purposes, whether  
30 belonging to the state or to the United States, as in his or her  
31 opinion the conditions demand.

32       (8) Attend to the care, preservation, safekeeping, and repairing of  
33 the arms, ordinance, accoutrements, equipment, and all other military  
34 property belonging to the state, or issued to the state by the United  
35 States for military purposes, and keep accurate accounts thereof. Any  
36 property of the state military department which, after proper  
37 inspection, is found unsuitable or no longer needed for use of the  
38 state military forces, shall be disposed of in such manner as the  
39 governor shall direct and the proceeds thereof used for replacements in

1 kind or by other needed authorized military supplies, and the adjutant  
2 general may execute the necessary instruments of conveyance to effect  
3 such sale or disposal.

4 (9) Issue the military property as the necessity of service  
5 requires and make purchases for that purpose. No military property  
6 shall be issued or loaned to persons or organizations other than those  
7 belonging to the militia, except as permitted by applicable state or  
8 federal law.

9 (10) Keep on file in his or her office the reports and returns of  
10 military units, and all other writings and papers required to be  
11 transmitted to and preserved at the general headquarters of the state  
12 militia.

13 (11) Keep all records of volunteers commissioned or enlisted for  
14 all wars or insurrections, and of individual claims of citizens for  
15 service rendered in these wars or insurrections, and he or she shall  
16 also be the custodian of all records, relics, trophies, colors, and  
17 histories relating to such wars now in possession of, or which may be  
18 acquired by the state.

19 (12) Establish and maintain as part of his or her office a bureau  
20 of records of the services of the organized militia of the state, and  
21 upon request furnish a copy thereof or extract therefrom, attested  
22 under seal of his or her office, and such attested copy shall be prima  
23 facie proof of service, birthplace, and citizenship.

24 (13) Keep a record of all real property owned or used by the state  
25 for military purposes, and in connection therewith he or she shall have  
26 sole power to execute all leases to acquire the use of real property by  
27 the state for military purposes, or lease it to other agencies for use  
28 for authorized activities. The adjutant general shall also have full  
29 power to execute and grant easements for rights of way for  
30 construction, operation, and maintenance of utility service, water,  
31 sewage, and drainage for such realty.

32 (14) Provide assistance to the antihunger coordinator under section  
33 3 of this act, to include personnel and equipment for state-wide  
34 distribution of food and grocery products to nonprofit state-  
35 administered food programs. Assistance provided will be consistent  
36 with available resources and prescribed federal training requirements.

37 This section shall constitute statutory authority for the  
38 Washington national guard antihunger program.

1        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 72.09 RCW  
2 to read as follows:

3        The department of corrections shall provide inmate labor, at no  
4 cost to food donors or charitable institutions, where feasible, in  
5 accordance with the inmate work program standards under RCW 72.09.100,  
6 to assist in the voluntary gleaning and distribution of food and  
7 grocery products for charitable purposes under section 3 of this act.  
8 The department may request training or information on appropriate  
9 gleaning methods from the Washington state university cooperative  
10 extension service and shall supply only adequately trained inmates for  
11 gleaning activities. The secretary of the department of corrections  
12 shall adopt rules to implement this section.

13        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 81.04 RCW  
14 to read as follows:

15        The commission, in cooperation with the department of health and  
16 the antihunger coordinator under section 3 of this act, shall identify  
17 statutory and regulatory barriers to backhauling by transporters of  
18 donated food and grocery products. The commission shall adopt rules  
19 necessary to facilitate the backhauling of donated food products and  
20 shall report to the antihunger coordinator on other barriers, such as  
21 lack of waiver of published rates, that impede the efficient  
22 utilization of volunteer truck transport of food and grocery products.

23        NEW SECTION.    **Sec. 12.**    A new section is added to Title 75 RCW to  
24 read as follows:

25        The department of fish and wildlife and the department of  
26 corrections shall provide technical assistance to the antihunger  
27 coordinator under section 3 of this act, in researching how to enhance  
28 existing efforts in the recovery, processing, and distribution of  
29 fisheries surplus to correctional facilities and department of social  
30 and health services' programs, while leaving harvest and other license  
31 restrictions and limitations intact. The antihunger coordinator shall  
32 report to the legislature by December 1, 1995, on the outcome of the  
33 research project.

34        **Sec. 13.**    RCW 28A.235.140 and 1993 c 333 s 1 are each amended to  
35 read as follows:

36        (1) For the purposes of this section:

1 (a) "Free or reduced-price lunches" means lunches served by a  
2 school district that qualify for federal reimbursement as free or  
3 reduced-price lunches under the national school lunch program.

4 (b) "School breakfast program" means a program meeting federal  
5 requirements defined in 42 U.S.C. Sec. 1773.

6 (c) "Severe-need school" means a school that qualifies for a  
7 severe-need school reimbursement rate from federal funds for school  
8 breakfasts served to children from low-income families.

9 (2) School districts shall be required to develop and implement  
10 plans for a school breakfast program in severe-need schools(~~(, pursuant~~  
11 ~~to the schedule in this section. For the second year prior to the~~  
12 ~~implementation of the district's school breakfast program, and for each~~  
13 ~~subsequent school year, each school district shall submit data enabling~~  
14 ~~the superintendent of public instruction to determine which schools~~  
15 ~~within the district will qualify as severe-need schools)). In~~  
16 developing its plan, each school district shall consult with an  
17 advisory committee including school staff and community members  
18 appointed by the board of directors of the district. School districts  
19 shall provide a breakfast program in any school as long as the school  
20 qualifies as a severe-need school or there is data available to confirm  
21 and substantiate the severe-needs status of the school.

22 (3) (~~Using district wide data on school lunch participation during~~  
23 ~~the 1988-89 school year, the superintendent of public instruction shall~~  
24 ~~adopt a schedule for implementation of school breakfast programs in~~  
25 ~~severe-need schools as follows:~~

26 (a) ~~School districts where at least forty percent of lunches served~~  
27 ~~to students are free or reduced price lunches shall submit a plan for~~  
28 ~~implementation of a school breakfast program in severe-need schools to~~  
29 ~~the superintendent of public instruction no later than July 1, 1990.~~  
30 ~~Each such district shall implement a school breakfast program in all~~  
31 ~~severe-need schools no later than the second day of school in the~~  
32 ~~1990-91 school year and in each school year thereafter.~~

33 (b) ~~School districts where at least twenty five but less than forty~~  
34 ~~percent of lunches served to students are free or reduced price lunches~~  
35 ~~shall submit a plan for implementation of a school breakfast program in~~  
36 ~~severe-need schools to the superintendent of public instruction no~~  
37 ~~later than July 1, 1991.)~~ Each such district shall implement a school  
38 breakfast program in all severe-need schools no later than the second

1 day of school in the 1991-92 school year and in each school year  
2 thereafter.

3 ~~((c) School districts where less than twenty five percent of  
4 lunches served to students are free or reduced price lunches shall  
5 submit a plan for implementation of a school breakfast program in  
6 severe need schools to the superintendent of public instruction no  
7 later than July 1, 1992. Each such district shall implement a school  
8 breakfast program in all severe need schools no later than the second  
9 day of school in the 1992-93 school year and in each school year  
10 thereafter.~~

11 ~~(d) School districts that did not offer a school lunch program in  
12 the 1988-89 school year are encouraged to implement such a program and  
13 to provide a school breakfast program in all severe need schools when  
14 eligible.)~~

15 (4) The requirements in this section shall lapse if the federal  
16 reimbursement rate for breakfasts served in severe-need schools is  
17 eliminated.

18 (5) Students who do not meet family-income criteria for free  
19 breakfasts shall be eligible to participate in the school breakfast  
20 programs established under this section, and school districts may  
21 charge for the breakfasts served to these students except as provided  
22 in section 16 of this act. Requirements that school districts have  
23 school breakfast programs under this section shall not create or imply  
24 any state funding obligation for these costs. The legislature does not  
25 intend to include these programs within the state's obligation for  
26 basic education funding under Article IX of the Constitution.

27 (6) School districts that as of the effective date of this act do  
28 not have a school lunch program shall develop a plan for a school lunch  
29 program and establish a feasible timeline for instituting the program.

30 **Sec. 14.** RCW 28A.235.150 and 1993 c 333 s 3 are each amended to  
31 read as follows:

32 (1) To the extent funds are appropriated, the superintendent of  
33 public instruction may award grants to school districts to increase  
34 participation in school breakfast and lunch programs, to improve  
35 program quality, and to improve the equipment and facilities used in  
36 the programs. School districts shall demonstrate that they have  
37 applied for applicable federal funds before applying for funds under  
38 this subsection. Funds appropriated under this subsection are intended

1 to increase participation by eligible students in school food programs,  
2 and shall be used solely to enhance school breakfast and lunch  
3 programs.

4 (2) To the extent funds are appropriated, the superintendent of  
5 public instruction shall increase the state support for school  
6 breakfasts and lunches.

7 (3) The superintendent of public instruction shall identify six  
8 severe-need schools under RCW 28A.235.140 and award to these schools  
9 grants to be used directly to feed more students. The following  
10 criteria shall be included in selecting the schools:

11 (a) Severe-needs schools, as established by data;

12 (b) A high percentage of students eligible for low-income meals, as  
13 determined by dividing the number of free and reduced price meal  
14 applications or letters of direct certification by the total school  
15 enrollment; and

16 (c) The small size of the school district does not enable the  
17 school to benefit from economies of scale in food services.

18 (4) The superintendent of public instruction shall apply for all  
19 available federal funds for school lunch and breakfast program  
20 outreach.

21 **Sec. 15.** RCW 28A.235.155 and 1993 c 333 s 4 are each amended to  
22 read as follows:

23 (1) The superintendent of public instruction shall administer funds  
24 for the federal summer food service program.

25 (2) The superintendent of public instruction may award grants, to  
26 the extent funds are appropriated, to eligible organizations to help  
27 start new summer food service programs for children or to help expand  
28 summer food services for children.

29 (3) The superintendent of public instruction shall apply for all  
30 available federal funds for summer food service program outreach.

31 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.235  
32 RCW to read as follows:

33 School districts are encouraged to take advantage of the  
34 opportunity to serve all enrolled students in designated high-needs  
35 schools under special assistance known as Provision 2, 7 C.F.R. 245(b).  
36 The superintendent of public instruction shall ensure that information  
37 on Provision 2 is provided to all school districts with schools where

1 more than seventy-five percent of students qualify for free or reduced-  
2 price school meals by the end of 1994.

3 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.235  
4 RCW to read as follows:

5 Within six months of the effective date of this act, and every two  
6 years thereafter, school districts with breakfast or lunch programs  
7 shall assess whether the programs allow the students sufficient and  
8 realistic time to be served and to eat. If the assessment shows that  
9 there is insufficient time for personal hygiene, serving, and  
10 consumption of school meals, the school shall allow more time by any  
11 feasible means, including the use of adult volunteer help, additional  
12 cafeteria shifts, or more staffing. Failure to properly assess such  
13 programs and correct problems identified by assessment, or to promptly  
14 investigate and take appropriate action on complaints regarding  
15 compliance with this section shall be remedied by the superintendent of  
16 public instruction.

17 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.235  
18 RCW to read as follows:

19 School districts shall ensure that food sold on school grounds is  
20 consistent with the dietary guidelines for Americans as provided in the  
21 edition of "Nutrition & Your Health: Dietary Guidelines for  
22 Americans," by the United States departments of agriculture and health  
23 and human services in print on the effective date of this act, or a  
24 later edition as adopted by reference by the superintendent by rule.

25 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.70 RCW  
26 to read as follows:

27 (1) The legislature intends to increase the number of persons being  
28 served by the women, infant, and children (WIC) program, using state  
29 funding to maximize federal fund availability. The WIC program is a  
30 federally funded program established in 1972 by an amendment to the  
31 child nutrition act of 1966. The purpose of the program is to serve as  
32 an adjunct to health care by providing nutritious food; nutrition  
33 education and counseling; health screening; and referral services to  
34 pregnant and breast-feeding women, infants, and children in certain  
35 high-risk categories. The WIC program in the state of Washington is  
36 administered by the office of WIC services in the department of health.

1 (2) The department of health shall establish a capacity building  
2 task force to seek ways to reach more of the WIC target populations and  
3 to provide additional capital grants to local agencies, and to provide  
4 start-up funds for new local agencies. The department of health shall  
5 consider cost-containment options, such as sole-source contracting and  
6 multistate buying agreements, for cereals and other foods, and shall  
7 implement the options if the options appear cost-effective.

8 (3) State funding provided for the WIC program shall not be  
9 supplanted by federal funds or reallocated to other programs within the  
10 department of health.

11 NEW SECTION. **Sec. 20.** The department of social and health  
12 services shall form a task force with representatives from the  
13 financial services industry and grocery industry to discuss initiation  
14 of a pilot project using electronic benefit transfer technology for the  
15 food stamp program. The task force shall research the status of  
16 federal implementation efforts, as well as pilot programs in other  
17 states. The department shall report to the appropriate standing  
18 committees of the legislature on the task force's findings by December  
19 1, 1995.

20 Private industry members of the task force shall serve voluntarily,  
21 without compensation or reimbursement of expense.

22 NEW SECTION. **Sec. 21.** A new section is added to chapter 28B.30  
23 RCW to read as follows:

24 (1) Washington State University cooperative extension service food  
25 stamp nutrition education program shall collocate or coordinate with  
26 women, infant, and children (WIC) program clinics where the collocation  
27 or coordination would serve the needs of both programs by increasing  
28 program effectiveness and is cost-saving. The food stamp nutrition  
29 education program and the WIC clinics shall together engage in  
30 education, and prenatal/infant nutrition.

31 (2) The food stamp nutrition education program shall work  
32 cooperatively with the department of social and health services English  
33 as a second language program to provide nutrition education.

34 NEW SECTION. **Sec. 22.** A new section is added to chapter 74.04 RCW  
35 to read as follows:

1 The department shall, with the assistance of the antihunger  
2 coordinator, develop an outcome measurement to show increased service  
3 to individuals in the department's nutrition program for the elderly.  
4 The purpose of the outcome measurement shall be to improve  
5 accountability and effectiveness and to motivate outreach programs to  
6 the elderly, by measuring program success in empirical evidence of  
7 increased numbers of persons served.

8 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.20 RCW  
9 to read as follows:

10 The legislature finds that many of Washington's Native American  
11 tribes are nutritionally at risk. Several of the tribes have common  
12 concerns that affect nutritional stability, including the tribe's  
13 geographic isolation, limited availability of continuing education and  
14 technical assistance in nutrition, limited or very intermittent  
15 services by qualified nutritionists, and a high-risk population with  
16 increased incidence of chronic conditions, such as diabetes, heart  
17 disease, and hypertension. Other nutrition-related tribal health  
18 concerns include infant mortality, low-birth weight, baby bottle tooth  
19 decay, and gastrointestinal problems.

20 The legislature further finds that the recent, two-year project,  
21 "Nutrition for Native American Children in Rural Washington," was  
22 successful in addressing many of the tribes' concerns, while working  
23 closely with tribal health programs, head start, and the women, infant,  
24 and children (WIC) program. In order to maintain some of the progress  
25 made in tribal nutrition, especially nutritional needs of at-risk  
26 children, the legislature finds the tribes would benefit from a  
27 permanent tribal nutritionist, available on a circulating basis.

28 The position of tribal nutritionist is hereby established in the  
29 department of health. The tribal nutritionalist shall be shared among  
30 rural Native American tribes wishing to participate, and shall travel  
31 between the tribes as needed, providing consultation and working at the  
32 direction of, and in close cooperation with tribal health program  
33 leaders.

34 The tribal nutritionist shall consult, communicate, and make use of  
35 the available advisory resources of the department of health, the  
36 department of community, trade, and economic development, the  
37 Washington State University cooperative extension service, and the  
38 department of social and health services, as well as the University of

1 Washington medical center, in order to provide nutrition education, and  
2 appropriate service referral for at-risk tribal members.

3 The tribal nutritionist shall help the tribes build networks among  
4 existing programs to improve nutrition services, in particular among  
5 head start, WIC, and birth to three programs, and shall provide on-site  
6 nutrition training, technical assistance, and in-service training to  
7 health providers and parents in tribal communities.

8 In the event of resource scarcity, the tribal nutritionalist shall  
9 prioritize by concentrating efforts on those program elements most  
10 likely to benefit at-risk children and the elderly.

11 NEW SECTION. **Sec. 24.** The sum of . . . . . dollars, or as much  
12 thereof as may be necessary, is appropriated for the biennium ending  
13 June 30, 1995, from the general fund to the superintendent of public  
14 instruction for the purposes identified in section 14 of this act.

15 NEW SECTION. **Sec. 25.** The sum of five hundred thousand dollars,  
16 or as much thereof as may be necessary, is appropriated for the  
17 biennium ending June 30, 1995, from the general fund to the department  
18 of health for the purposes of sections 19 and 23 of this act.

19 NEW SECTION. **Sec. 26.** The sum of one million two hundred thousand  
20 dollars, or as much thereof as may be necessary, is appropriated for  
21 the biennium ending June 30, 1995, from the general fund to Washington  
22 state cooperative extension services for the purposes of section 21 of  
23 this act.

24 NEW SECTION. **Sec. 27.** The sum of . . . . . dollars, or as much  
25 thereof as may be necessary, is appropriated for the biennium ending  
26 June 30, 1995, from the general fund to the department of general  
27 administration for the purposes of funding the position of antihunger  
28 coordinator.

29 NEW SECTION. **Sec. 28.** The antihunger coordinator shall report to  
30 the legislature by December 1, 1995, on the effectiveness of chapter  
31 . . . , Laws of 1994 (this act).

32 NEW SECTION. **Sec. 29.** If any provision of this act or its  
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3       NEW SECTION.   **Sec. 30.** If any part of this act is found to be in  
4 conflict with federal requirements that are a prescribed condition to  
5 the allocation of federal funds to the state, the conflicting part of  
6 this act is inoperative solely to the extent of the conflict and with  
7 respect to the agencies directly affected, and this finding does not  
8 affect the operation of the remainder of this act in its application to  
9 the agencies concerned. The rules under this act shall meet federal  
10 requirements that are a necessary condition to the receipt of federal  
11 funds by the state.

12       NEW SECTION.   **Sec. 31.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and shall take  
15 effect immediately.

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