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**SENATE BILL 5794**

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**State of Washington 64th Legislature 2015 Regular Session**

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

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

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

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

(2) The legislature recognizes that students perform better in classes on a full stomach, yet finds that students who receive supplemental nutrition assistance program benefits have to travel off campus to use their benefits at a participating vendor, incurring extra travel costs and reduced study time.

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

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

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

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

NEW SECTION. **Sec.**  If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

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