

WSR 21-23-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed November 17, 2021, 10:22 a.m.]

Subject of Possible Rule Making: The department is planning to adopt chapter 388-439 WAC, Pandemic EBT (P-EBT) program, to include WAC 388-439-0005 What is the pandemic EBT program?, 388-439-0010 Eligibility of pandemic EBT benefits for the 2020-2021 school year, 388-439-0015 General information about pandemic EBT benefits, 388-439-0020 Eligibility of pandemic EBT benefits for children under age six, 388-439-0025 Eligibility of pandemic EBT benefits during the 2021 summer period; and create or amend other related rules as appropriate.

Existing emergency rules related to this filing are in place under WSR 21-08-010 and 21-16-017.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned adoption of these rules support implementation of the P-EBT program for eligible children who do not have regular access to free or reduced-price school meals or childcare meals due to limited on-site learning or attendance in any school year in which there is a federal public health emergency designation (as allowed under Section 1101 of H.R. 6201, Families First Coronavirus Response Act, as amended by Section 1108 of H.R. 1319, American Rescue Plan of 2021).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ivette Dones-Figueroa, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-3812, fax 360-725-4904, email

ivette.dones-figueroa@dshs.wa.gov; or Troy Burgess, Program Manager,
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