
SENATE BILL 6157

State of Washington

53rd Legislature

1994 Regular Session

By Senators Talmadge, Winsley, Wojahn, McAuliffe and Fraser

Read first time 01/14/94. Referred to Committee on Health & Human Services.

1 AN ACT Relating to the 1994 omnibus antihunger act; amending RCW
2 43.23.010, 69.80.900, 38.12.020, 28A.235.140, 28A.235.150, and
3 28A.235.155; adding a new section to chapter 43.23 RCW; adding a new
4 section to chapter 69.80 RCW; adding a new section to chapter 43.20
5 RCW; adding a new section to chapter 15.65 RCW; adding a new section to
6 chapter 15.66 RCW; adding a new section to chapter 15.24 RCW; adding a
7 new section to chapter 16.67 RCW; adding a new section to chapter 15.44
8 RCW; adding a new section to chapter 15.28 RCW; adding a new section to
9 chapter 72.09 RCW; adding a new section to chapter 81.04 RCW; adding a
10 new section to Title 75 RCW; adding new sections to chapter 28A.235
11 RCW; adding new sections to chapter 43.70 RCW; adding new sections to
12 chapter 74.04 RCW; adding a new section to chapter 28B.30 RCW; adding
13 a new section to chapter 7.80 RCW; creating new sections; repealing RCW
14 69.80.030 and 69.80.040; making appropriations; and declaring an
15 emergency.

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

17 NEW SECTION. **Sec. 1.** Despite the efforts of many dedicated
18 individuals, and the existence of several state, federal, and private
19 antihunger programs, thousands of Washingtonians are still confronted

1 with hunger as a part of their daily lives. Food banks, emergency food
2 programs, school breakfast and lunch programs, charitable kitchens, and
3 special programs for pregnant women, infants, and the elderly are all
4 challenged to meet increased needs. Yet Washington is a leading
5 agricultural state, and has access to ocean fisheries, and many human
6 and technological resources that are underutilized.

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

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

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

29 **Sec. 2.** RCW 43.23.010 and 1990 c 37 s 1 are each amended to read
30 as follows:

31 In order to obtain maximum efficiency and effectiveness within the
32 department of agriculture, the director may create such administrative
33 divisions within the department as he or she deems necessary. The
34 director shall appoint a deputy director as well as such assistant
35 directors as shall be needed to administer the several divisions within
36 the department. The director shall appoint no more than eight
37 assistant directors. The officers appointed under this section are
38 exempt from the provisions of the state civil service law as provided

1 in RCW 41.06.070(7), and shall be paid salaries to be fixed by the
2 governor in accordance with the procedure established by law for the
3 fixing of salaries for officers exempt from the operation of the state
4 civil service law. The director shall also appoint and deputize a
5 state veterinarian who shall be an experienced veterinarian properly
6 licensed to practice veterinary medicine in this state. The director
7 shall appoint the antihunger coordinator to administer the office of
8 antihunger under section 3 of this act.

9 The director of agriculture shall have charge and general
10 supervision of the department and may assign supervisory and
11 administrative duties other than those specified in RCW 43.23.070 to
12 the division which in his or her judgment can most efficiently carry on
13 those functions.

14 NEW SECTION. Sec. 3. A new section is added to chapter 43.23 RCW
15 to read as follows:

16 The office of antihunger is created in the department of
17 agriculture. The antihunger coordinator, appointed under RCW
18 43.23.010, shall administer the office. The antihunger coordinator has
19 the following powers and duties:

20 (1) Act as a clearinghouse and network to contact, monitor, and
21 coordinate state hunger programs among public agencies that provide
22 food, food stamps, food stamp nutrition education, meals, or
23 distribution, including:

- 24 (a) The interagency food issues commission;
- 25 (b) Agricultural commodities commissions;
- 26 (c) Washington state national guard;
- 27 (d) Department of corrections;
- 28 (e) Department of health;
- 29 (f) Department of social and health services;
- 30 (g) Department of transportation and the transportation commission;
- 31 and
- 32 (h) Department of fish and wildlife.

33 (2) Develop and install a computer data base, to be known as
34 foodnet, that will be used to coordinate the state's antihunger
35 programs and resources.

36 (3) Operate a hotline to be used to locate donatable surplus food
37 product, identify transportation opportunities, and manage distribution
38 with state resources.

1 (4) Provide technical support to state agencies and programs in
2 their development of plans to contribute to hunger relief.

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

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

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

11 (2) As used in this section:

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

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

21 (c) "Donate" means to give without requiring anything of monetary
22 value from the recipient, except that the term shall include giving by
23 a nonprofit organization to another nonprofit organization,
24 notwithstanding that the donor organization has charged a nominal fee
25 to the donee organization, if the ultimate recipient or user is not
26 required to give anything of monetary value.

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

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

34 (f) "Grocery product" means a nonfood grocery product, including a
35 disposable paper or plastic product, household cleaning product,
36 laundry detergent, cleaning product, or miscellaneous household item.

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

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

7 (i) "Nonprofit organization" means an incorporated or
8 unincorporated entity that:

9 (i) Is operating for religious, charitable, or educational
10 purposes; and

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

14 (j) "Person" means an individual, corporation, partnership,
15 organization, association, or governmental entity, including a retail
16 grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer,
17 farmer, and nonprofit food distributor or hospital. In the case of a
18 corporation, partnership, organization, association, or governmental
19 entity, the term includes an officer, director, partner, deacon,
20 trustee, councilmember, or other elected or appointed individual
21 responsible for the governance of the entity.

22 (3) A person or gleaner is not subject to civil or criminal
23 liability arising from the nature, age, packaging, or condition of
24 apparently wholesome food or an apparently fit grocery product that the
25 person or gleaner donates in good faith to a nonprofit organization for
26 ultimate distribution to needy individuals, except that this subsection
27 does not apply to an injury to or death of an ultimate user or
28 recipient of the food or grocery product that results from an act or
29 omission of the donor constituting gross negligence or intentional
30 misconduct.

31 (4) A person who allows the collection or gleaning of donations on
32 property owned or occupied by the person by gleaners, or paid or unpaid
33 representatives of a nonprofit organization, for ultimate distribution
34 to needy individuals is not subject to civil or criminal liability that
35 arises due to the injury or death of the gleaner or representative,
36 except that this subsection does not apply to an injury or death that
37 results from an act or omission of the person constituting gross
38 negligence or intentional misconduct.

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

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

9 (b) Agrees to recondition the donated food or grocery products to
10 comply with all the quality and labeling standards prior to
11 distribution; and

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

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

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

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

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

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

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

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

26 The food service operations of nonprofit organizations other than
27 schools, child care centers, or senior nutrition centers, that serve
28 meals free of charge or for a nominal fee and that are regulated by the
29 board of health through local health authorities shall be inspected
30 without fee, for compliance for food service or food handler permits.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 15.65 RCW
32 to read as follows:

33 The dry pea and lentil commission and the egg commission shall, as
34 a condition of authority, adopt rules that encourage and facilitate the
35 donation and gleaning of surplus commodities by dealers, handlers,

1 producers, growers, and other persons subject to this chapter. The
2 commodity boards shall cooperate with the antihunger coordinator under
3 section 3 of this act in the furtherance of the state antihunger
4 program.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 15.66 RCW
6 to read as follows:

7 The Washington fryer commission and the Washington potato
8 commission shall, as a condition of authority, adopt rules that
9 encourage and facilitate the donation and gleaning of surplus
10 commodities and nonmarketable product by dealers, handlers, producers,
11 growers, and other persons subject to this chapter. The commodity
12 commissions shall cooperate with the antihunger coordinator under
13 section 3 of this act in the furtherance of the state antihunger
14 program.

15 NEW SECTION. **Sec. 10.** A new section is added to chapter 15.24 RCW
16 to read as follows:

17 The apple commission shall, as a condition of authority, adopt
18 rules that encourage and facilitate the donation and gleaning of
19 surplus commodities and nonmarketable product by dealers, handlers,
20 producers, growers, and other persons subject to this chapter. The
21 commission shall cooperate with the antihunger coordinator under
22 section 3 of this act in the furtherance of the state antihunger
23 program.

24 NEW SECTION. **Sec. 11.** A new section is added to chapter 16.67 RCW
25 to read as follows:

26 The beef commission shall, as a condition of authority, adopt rules
27 that encourage and facilitate the donation and gleaning of surplus
28 commodities and nonmarketable product by dealers, handlers, producers,
29 growers, and other persons subject to this chapter. The commission
30 shall cooperate with the antihunger coordinator under section 3 of this
31 act in the furtherance of the state antihunger program.

32 NEW SECTION. **Sec. 12.** A new section is added to chapter 15.44 RCW
33 to read as follows:

34 The Washington dairy products commission shall, as a condition of
35 authority, adopt rules that encourage and facilitate the donation and

1 gleaning of surplus commodities and nonmarketable product by dealers,
2 handlers, producers, growers, and other persons subject to this
3 chapter. The commission shall cooperate with the antihunger
4 coordinator under section 3 of this act in the furtherance of the state
5 antihunger program.

6 NEW SECTION. **Sec. 13.** A new section is added to chapter 15.28 RCW
7 to read as follows:

8 The fruit commission shall, as a condition of authority, adopt
9 rules that encourage and facilitate the donation and gleaning of
10 surplus commodities and nonmarketable product by dealers, handlers,
11 producers, growers, and other persons subject to this chapter. The
12 commission shall cooperate with the antihunger coordinator under
13 section 3 of this act in the furtherance of the state antihunger
14 program.

15 **Sec. 14.** RCW 38.12.020 and 1989 c 19 s 12 are each amended to read
16 as follows:

17 The adjutant general shall:

18 (1) Keep rosters of all active, reserve, and retired officers of
19 the militia, and all other records, and papers required to be kept and
20 filed therein, and shall submit to the governor such reports of the
21 operations and conditions of the organized militia as the governor may
22 require.

23 (2) Cause the military law, and such other military publications as
24 may be necessary for the military service, to be prepared and
25 distributed at the expense of the state, to the departments and units
26 of the organized militia.

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

29 (4) Attest all commissions issued to military officers of this
30 state.

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

34 (6) Have a seal, and all copies, orders, records, and papers in his
35 or her office, duly certified and authenticated under the seal, shall
36 be evidence in all cases in like manner as if the originals were
37 produced. The seal now used in the office of the adjutant general

1 shall be the seal of his or her office and shall be delivered by him or
2 her to the successor. All orders issued from his or her office shall
3 be authenticated with the seal.

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

9 (8) Attend to the care, preservation, safekeeping, and repairing of
10 the arms, ordinance, accoutrements, equipment, and all other military
11 property belonging to the state, or issued to the state by the United
12 States for military purposes, and keep accurate accounts thereof. Any
13 property of the state military department which, after proper
14 inspection, is found unsuitable or no longer needed for use of the
15 state military forces, shall be disposed of in such manner as the
16 governor shall direct and the proceeds thereof used for replacements in
17 kind or by other needed authorized military supplies, and the adjutant
18 general may execute the necessary instruments of conveyance to effect
19 such sale or disposal.

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

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

29 (11) Keep all records of volunteers commissioned or enlisted for
30 all wars or insurrections, and of individual claims of citizens for
31 service rendered in these wars or insurrections, and he or she shall
32 also be the custodian of all records, relics, trophies, colors, and
33 histories relating to such wars now in possession of, or which may be
34 acquired by the state.

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

1 (13) Keep a record of all real property owned or used by the state
2 for military purposes, and in connection therewith he or she shall have
3 sole power to execute all leases to acquire the use of real property by
4 the state for military purposes, or lease it to other agencies for use
5 for authorized activities. The adjutant general shall also have full
6 power to execute and grant easements for rights of way for
7 construction, operation, and maintenance of utility service, water,
8 sewage, and drainage for such realty.

9 (14) Establish and operate upon the request of the governor and in
10 cooperation with the antihunger coordinator under section 3 of this act
11 an antihunger program that includes, consistent with resources, the
12 provision of labor for gleaning, equipment and personnel for transport,
13 and equipment and personnel for state-wide distribution of food and
14 grocery products to nonprofit and state-administered food programs for
15 the poor, children, and the elderly.

16 This section shall constitute statutory authority for the
17 Washington national guard antihunger program.

18 NEW SECTION. Sec. 15. A new section is added to chapter 72.09 RCW
19 to read as follows:

20 The department of corrections shall provide inmate labor, at no
21 cost to food donors or charitable institutions, where feasible, in
22 accordance with the inmate work program standards under RCW 72.09.100,
23 to assist in the voluntary gleaning and distribution of food and
24 grocery products for charitable purposes under section 3 of this act.
25 The department may request training or information on appropriate
26 gleaning methods from the Washington state university cooperative
27 extension service and shall supply only adequately trained inmates for
28 gleaning activities. The secretary of the department of corrections
29 shall adopt rules to implement this section.

30 NEW SECTION. Sec. 16. A new section is added to chapter 81.04 RCW
31 to read as follows:

32 The commission, in cooperation with the department of health and
33 the antihunger coordinator under section 3 of this act, shall identify
34 statutory and regulatory barriers to backhauling by transporters of
35 donated food and grocery products. The commission shall adopt rules
36 necessary to facilitate the backhauling of donated food products and
37 shall report to the antihunger coordinator on other barriers, such as

1 lack of waiver of published rates, that impede the efficient
2 utilization of volunteer truck transport of food and grocery products.

3 NEW SECTION. **Sec. 17.** A new section is added to Title 75 RCW to
4 read as follows:

5 The department of fish and wildlife, in conjunction with the
6 antihunger coordinator under section 3 of this act, shall implement a
7 two-year pilot project with the national marine fisheries service and
8 such private nonprofit or volunteer organizations as may be necessary
9 to donate overcatch and bycatch food fish to charitable food agencies,
10 while leaving harvest and other license restrictions and limitations
11 intact. The department shall report to the legislature by December 1,
12 1996, on the success and outcome of the pilot project.

13 **Sec. 18.** RCW 28A.235.140 and 1993 c 333 s 1 are each amended to
14 read as follows:

15 (1) For the purposes of this section:

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

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

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

24 (2) School districts shall be required to develop and implement
25 plans for a school breakfast program in severe-need schools(~~(, pursuant~~
26 ~~to the schedule in this section. For the second year prior to the~~
27 ~~implementation of the district's school breakfast program, and for each~~
28 ~~subsequent school year, each school district shall submit data enabling~~
29 ~~the superintendent of public instruction to determine which schools~~
30 ~~within the district will qualify as severe-need schools)). In~~
31 developing its plan, each school district shall consult with an
32 advisory committee including school staff and community members
33 appointed by the board of directors of the district.

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

1 ~~(a) School districts where at least forty percent of lunches served~~
2 ~~to students are free or reduced price lunches shall submit a plan for~~
3 ~~implementation of a school breakfast program in severe need schools to~~
4 ~~the superintendent of public instruction no later than July 1, 1990.~~
5 ~~Each such district shall implement a school breakfast program in all~~
6 ~~severe need schools no later than the second day of school in the~~
7 ~~1990-91 school year and in each school year thereafter.~~

8 ~~(b) School districts where at least twenty five but less than forty~~
9 ~~percent of lunches served to students are free or reduced price lunches~~
10 ~~shall submit a plan for implementation of a school breakfast program in~~
11 ~~severe need schools to the superintendent of public instruction no~~
12 ~~later than July 1, 1991.))~~ Each such district shall implement a school
13 breakfast program in all severe-need schools no later than the second
14 day of school in the 1991-92 school year and in each school year
15 thereafter.

16 ~~((c) School districts where less than twenty five percent of~~
17 ~~lunches served to students are free or reduced price lunches shall~~
18 ~~submit a plan for implementation of a school breakfast program in~~
19 ~~severe need schools to the superintendent of public instruction no~~
20 ~~later than July 1, 1992. Each such district shall implement a school~~
21 ~~breakfast program in all severe need schools no later than the second~~
22 ~~day of school in the 1992-93 school year and in each school year~~
23 ~~thereafter.~~

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

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

31 (5) Students who do not meet family-income criteria for free
32 breakfasts shall be eligible to participate in the school breakfast
33 programs established under this section, and school districts may
34 charge for the breakfasts served to these students except as provided
35 in section 21 of this act. Requirements that school districts have
36 school breakfast programs under this section shall not create or imply
37 any state funding obligation for these costs. The legislature does not
38 intend to include these programs within the state's obligation for
39 basic education funding under Article IX of the Constitution.

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

4 **Sec. 19.** RCW 28A.235.150 and 1993 c 333 s 3 are each amended to
5 read as follows:

6 (1) To the extent funds are appropriated, the superintendent of
7 public instruction may award grants to school districts to increase
8 participation in school breakfast and lunch programs, to improve
9 program quality, and to improve the equipment and facilities used in
10 the programs. School districts shall demonstrate that they have
11 applied for applicable federal funds before applying for funds under
12 this subsection.

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

16 (3) The superintendent of public instruction shall identify the six
17 most severe-need schools under RCW 28A.235.140 and award to these
18 schools grants to be used directly to feed more students.

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

22 **Sec. 20.** RCW 28A.235.155 and 1993 c 333 s 4 are each amended to
23 read as follows:

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

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

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

32 NEW SECTION. **Sec. 21.** A new section is added to chapter 28A.235
33 RCW to read as follows:

34 School districts are encouraged to take advantage of the
35 opportunity to serve all enrolled students in designated high-needs
36 schools under special assistance known as Provision 2, 7 C.F.R. 245(b).

1 The superintendent of public instruction shall ensure that information
2 on Provision 2 is provided to all school districts with schools where
3 more than seventy-five percent of students qualify for free or reduced-
4 price school meals by the end of 1994.

5 NEW SECTION. **Sec. 22.** A new section is added to chapter 28A.235
6 RCW to read as follows:

7 School districts with breakfast or lunch programs shall assess
8 whether the programs allow the students sufficient time to be served
9 and to eat. If the assessment shows that there is insufficient time
10 for personal hygiene, serving, and consumption of school meals, the
11 school shall allow more time by any feasible means, including the use
12 of volunteer help, additional cafeteria shifts, or more staffing.

13 NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.235
14 RCW to read as follows:

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

21 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.70 RCW
22 to read as follows:

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

33 (2) The department of health shall establish a capacity building
34 task force to seek ways to reach more of the WIC target populations and
35 to provide additional capital grants to local agencies, and to provide
36 start-up funds for new local agencies. The department of health shall

1 consider cost-containment options, such as sole-source contracting and
2 multistate buying agreements, for cereals and other foods, and shall
3 implement the options if the options appear cost-effective.

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

7 NEW SECTION. **Sec. 25.** A new section is added to chapter 74.04 RCW
8 to read as follows:

9 The legislature finds that delays in receiving food stamps often
10 drive hungry families to food banks. Expediting the issuance of food
11 stamps to eligible applicants will ease some of the pressure on the
12 food bank system. The legislature also finds that some of those who
13 currently apply for the expedited issuance of food stamps are not
14 receiving them within the five-day waiting period. Therefore, the
15 department is directed to issue food stamps to eligible applicants
16 within thirty-six hours of application.

17 NEW SECTION. **Sec. 26.** The department of social and health
18 services shall initiate a pilot project using electronic benefit
19 transfer technology for the food stamp program. The department shall
20 report to the appropriate standing committees of the legislature on the
21 project implementation status by December 1, 1995.

22 NEW SECTION. **Sec. 27.** 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 education program shall collocate or coordinate with women,
26 infant, and children (WIC) program clinics where the collocation or
27 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 education program shall work cooperatively with
32 the department of social and health services English as a second
33 language program to provide education and outreach.

34 NEW SECTION. **Sec. 28.** 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. 29. A new section is added to chapter 74.04 RCW
9 to read as follows:

10 (1) The department shall assure that all funds allocated for senior
11 meal and nutrition programs are not transferred or reallocated to other
12 department services or programs.

13 (2) The department shall allocate resources to establish the
14 position of senior nutrition professional, with expertise in
15 gerontological nutrition, and dedicated to providing consultation to
16 nutrition programs for the elderly.

17 (3) The department shall allocate resources to nutrition programs
18 for the elderly, to improve outreach to vulnerable elders who may be
19 underserved, including without limitation: Minority and tribal elders,
20 limited or non-English-speaking elders, homeless, and rural elders.

21 NEW SECTION. Sec. 30. A new section is added to chapter 7.80 RCW
22 to read as follows:

23 The Washington fine foods amnesty project is created. Fines for
24 minor traffic infractions and other civil infractions may be waived if
25 the violator donates canned food in an amount equal to the fine to a
26 charitable organization within the jurisdiction of the enforcing
27 agency. The in-lieu donation must be made within one year of receiving
28 the notice of civil infraction. Donation shall be made to a site
29 designated by the enforcing agency, which shall receive and accept the
30 donations not less than once per year. Nonprofit emergency food
31 providers shall not be liable for direct acceptance of the food
32 donations, or any determination of the adequacy of settlement of the
33 fine.

34 NEW SECTION. Sec. 31. A new section is added to chapter 43.20 RCW
35 to read as follows:

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

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

19 The position of tribal nutritionist is hereby established in the
20 department of health. The tribal nutritionalist shall be shared among
21 rural Native American tribes wishing to participate, and shall travel
22 between the tribes as needed, providing consultation and working at the
23 direction of, and in close cooperation with tribal health program
24 leaders.

25 The tribal nutritionist shall consult, communicate, and make use of
26 the available advisory resources of the department of health, the
27 department of community, trade, and economic development, the
28 Washington State University cooperative extension service, and the
29 department of social and health services, as well as the University of
30 Washington medical center, in order to provide nutrition education, and
31 appropriate service referral for at-risk tribal members.

32 The tribal nutritionist shall help the tribes build networks among
33 existing programs to improve nutrition services, in particular among
34 head start, WIC, and birth to three programs, and shall provide on-site
35 nutrition training, technical assistance, and in-service training to
36 health providers and parents in tribal communities.

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

1 NEW SECTION. **Sec. 32.** The legislature finds that the federally
2 funded temporary food assistance program has recently provided six
3 million pounds of food to Washingtonians in need. The charitable
4 institutions program has provided five million pounds of food.
5 Although the need for these programs continues to grow, the federal
6 government may discontinue the programs by 1995.

7 NEW SECTION. **Sec. 33.** The governor shall seek extension, by
8 congressional request, of the temporary food assistance program and
9 charitable institutions program.

10 NEW SECTION. **Sec. 34.** The sum of dollars, or as much
11 thereof as may be necessary, is appropriated for the biennium ending
12 June 30, 1995, from the general fund to the superintendent of public
13 instruction for the purposes identified in section 19 of this act.

14 NEW SECTION. **Sec. 35.** The sum of fifty thousand dollars, or as
15 much thereof as may be necessary, is appropriated for the biennium
16 ending June 30, 1995, from the general fund to the department of fish
17 and wildlife for the purposes of section 17 of this act.

18 NEW SECTION. **Sec. 36.** The sum of five hundred thousand dollars,
19 or as much thereof as may be necessary, is appropriated for the
20 biennium ending June 30, 1995, from the general fund to the department
21 of health for the purposes of section 24 of this act.

22 NEW SECTION. **Sec. 37.** The sum of one million two hundred thousand
23 dollars, or as much thereof as may be necessary, is appropriated for
24 the biennium ending June 30, 1995, from the general fund to Washington
25 state cooperative extension services for the purposes of section 27 of
26 this act.

27 NEW SECTION. **Sec. 38.** The sum of one hundred thousand dollars, or
28 as much thereof as may be necessary, is appropriated for the biennium
29 ending June 30, 1995, from the general fund to the department of
30 community, trade, and economic development for the purpose of directly
31 contracting out funds from the emergency food assistance program to
32 local food banks to purchase cold storage equipment.

1 NEW SECTION. **Sec. 39.** The sum of dollars, or as much
2 thereof as may be necessary, is appropriated for the biennium ending
3 June 30, 1995, from the general fund to the department of agriculture
4 for the purposes of funding the position of antihunger coordinator.

5 NEW SECTION. **Sec. 40.** The antihunger coordinator shall report to
6 the legislature by December 1, 1994, on the effectiveness of chapter
7 . . . , Laws of 1994 (this act) in addressing hunger in the state of
8 Washington.

9 NEW SECTION. **Sec. 41.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 42.** If any part of this act is found to be in
14 conflict with federal requirements that are a prescribed condition to
15 the allocation of federal funds to the state, the conflicting part of
16 this act is inoperative solely to the extent of the conflict and with
17 respect to the agencies directly affected, and this finding does not
18 affect the operation of the remainder of this act in its application to
19 the agencies concerned. The rules under this act shall meet federal
20 requirements that are a necessary condition to the receipt of federal
21 funds by the state.

22 NEW SECTION. **Sec. 43.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately.

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