

WSR 26-05-015

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 6, 2026, 2:54 p.m., effective March 9, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department of social and health services is adopting amendments to WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food?, and 388-444-0035 Who is exempt from ABAWD time limits and minimum work requirements? These amendments are necessary to implement changes to ABAWD time limit exceptions as passed in H.R.1, P.L. 119-21. When effective, the permanent rules under this CR-103P will supersede the emergency rules in place under WSR 26-03-098.

Citation of Rules Affected by this Order: Amending WAC 388-444-0030 and 388-444-0035.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Other Authority: H.R.1, P.L. 119-21.

Adopted under notice filed as WSR 26-01-029 on December 5, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: February 6, 2026.

Katherine I. Vasquez
Rules Coordinator

SHS-5111.1

AMENDATORY SECTION (Amending WSR 24-05-071, filed 2/20/24, effective 3/22/24)

WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food? (1) An able-bodied adult without dependents (ABAWD) is a person who:

- (a) Is age 18 through 64 beginning July 4, 2025~~((+))~~
- ~~((i) 50 from September 1, 2023, to September 30, 2023;~~
- ~~(ii) 52 from October 1, 2023, to September 30, 2024;~~
- ~~(iii) 54 beginning October 1, 2024); and~~

(b) Is fit for work and not exempted under WAC 388-444-0035.

(2) A nonexempt ABAWD is not eligible to receive food assistance for more than three full months (which do not have to be consecutive months), not including any partial benefit months in a 36-month period, unless the ABAWD:

(a) Works an average of 80 hours per month, including:

(i) Work in exchange for money;

(ii) Work in exchange for goods or services ("in kind" work);

(iii) Unpaid work that is verified according to department requirements; or

(iv) Any combination of (a)(i) through (iii) of this subsection(~~(+)~~).

(b) Participates in one of the following work programs and is meeting the requirements of that work program:

(i) The Workforce Innovation and Opportunity Act of 2014;

(ii) Section 236 of the Trade Act of 1974;

(iii) A state-approved employment and training program at least an average of 80 hours per month; or

(c) Participates in an unpaid work program as provided in WAC 388-444-0040.

AMENDATORY SECTION (Amending WSR 25-15-022, filed 7/7/25, effective 8/7/25)

WAC 388-444-0035 Who is exempt from ABAWD time limits and minimum work requirements? Some people who receive basic food are exempt from able-bodied adult without dependents (ABAWD) time limits and minimum work requirements. You are exempt from ABAWD time limits and work requirements under WAC 388-444-0030 if you meet any one or more of the following:

(1) You are exempt from work requirements under WAC 388-444-0010;

(2) You are defined as:

(a) An Indian or Urban Indian as defined in section 4 paragraphs 13 and 18 of the Indian Health Care Improvement Act; or

(b) A California Indian as described in section 809(a) of the Indian Health Care Improvement Act.

(3) You are under age 18 or are age(~~(+)~~

~~(a) 51 or older from September 1, 2023, to September 30, 2023;~~

~~(b) 53 or older beginning October 1, 2023, through September 30, 2024; and~~

~~(c) 55 or older beginning October 1, 2024))~~ 65 or older beginning July 4, 2025.

(3) You receive temporary or permanent disability benefits issued by a governmental or private source;

(4) You are obviously mentally or physically unfit for employment as determined by the department; however, if the unfitness is not obvious, you must provide a statement that you are physically or mentally unfit for employment from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, social worker, or any other medical personnel the department determines appropriate;

(5) You are an adult in a basic food assistance unit that has a family member who is under the age of (~~(18)~~) 14;

(6) You are pregnant;

~~(7) ((You are homeless, including individuals who will imminently lose their nighttime residence;~~

~~(8) You are a veteran defined as an individual who, regardless of the conditions of their discharge or release from, served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, or served as a commissioned officer of the Public Health Service, Environmental Scientific Services Administration, or the National Oceanic and Atmospheric Administration;~~

~~(9) You are 24 or younger, and were:~~

~~(a) In foster care as defined in RCW 74.13.020 at the time of your 18th birthday; or~~

~~(b) Under extended foster care services as defined in RCW 74.13.336;~~

~~(10)) You live in an area approved as exempt by U.S. Department of Agriculture (USDA); or~~

~~((11)) (8) You are eligible for one of the approved exemption slots under the USDA discretionary exemptions rule.~~

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.