



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: November 17, 2021

TIME: 10:22 AM

WSR 21-23-108

**Agency:** Department of Social and Health Services, Economic Services Administration

**Subject of possible rule making:** The department is planning to adopt Chapter 388-439 WAC Pandemic EBT (P-EBT) Program to include the following WACs: 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 WSR 21-16-017.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.500, RCW 74.04.510, RCW 74.08.090 and RCW 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 Pandemic EBT (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).

**Identify 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.

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 (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) 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 rulemaking. 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:**

	(If necessary)
Name: Ivette Dones-Figueroa, Program Manager	Name: Troy Burgess, Program Manager
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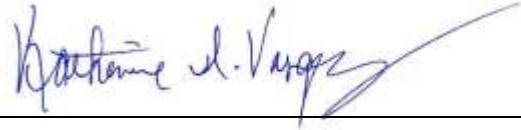
Other:

Additional comments:

**Date:** November 17, 2021

**Signature:**

**Name:** Katherine I. Vasquez

A handwritten signature in blue ink, appearing to read "Katherine I. Vasquez", with a long, sweeping flourish extending to the right.

**Title:** Rules Coordinator