



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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DATE: March 18, 2023

TIME: 2:13 PM

WSR 23-07-101

**Agency:** Department of Health

**Subject of possible rule making:** Chapter 246-780 WAC, Farmers Market Nutrition Program. The Department of Health (department) is considering amendments to include requirements for the use of electronic benefit payments.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 43.70.700 and RCW 43.70.120

**Reasons why rules on this subject may be needed and what they might accomplish:** The Department of Health administers the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmer's Market Nutrition Program (FMNP) that allows WIC participants to purchase unprocessed fresh fruits, vegetables, and cut herbs directly from growers in farmers' markets using their FMNP benefits. The FMNP is transitioning to the use of electronic benefit payments (e-FMNP). The department is in the process of updating vendor contracts to reflect the use of e-FMNP. The department is considering amending chapter 246-780 WAC to align the rules with the contract language and reflect the practice of using e-FMNP.

**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 administers the WIC-associated Farmer's Market Nutrition Program, which was established by Congress in 1992. The department will ensure that any rules adopted to implement the use of e-benefits will align with federal rules.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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(If necessary)

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Other:

**Additional comments:** To receive notifications regarding this rulemaking, please contact either Karen Mullen or Ashley Noble, to be added to the department's interested parties list.

**Date:** March 17, 2023

**Name:** Kristin Peterson, JD for Umair A. Shah, MD, MPH

**Title:** Chief of Policy for Secretary of Health

**Signature:**

A handwritten signature in cursive script that reads "Kristin Peterson".