



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: May 29, 2025

TIME: 11:29 AM

WSR 25-12-055

Agency: Department of Health

Subject of possible rule making: Chapter 246-780 WAC, Farmers Market Nutrition Program. The Department of Health (DOH) is considering amending Chapter 246-780 WAC to implement Enrolled Substitute Senate Bill 5214 (ESSB 5224). The rules would allow mobile markets to participate in the Farmers Market Nutrition Program.

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

Reasons why rules on this subject may be needed and what they might accomplish: In 2025, the Washington State Legislature passed ESSB 5214 with the intent to establish a mobile market program within the Farmers Market Nutrition Program (FMNP) with the goal of increasing nutrition access to participants of the Women, Infants and Children (WIC) program and the Senior Farmers Market Nutrition Program (SFMNP). Rulemaking is necessary to implement new statutory requirements in ESSB 5214 which requires mobile markets to be operated by a non-profit organization and prevent market competition between a mobile market and a farmers market that is participating in the FMNP.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The FMNP is subject to funding from the United States Department of Agriculture (USDA) and the USDA which oversees the Regional Market Program and other programs related to farmers markets. The FMNP program will notify the Regional Market Program about rulemaking for the mobile market program.

The Senior Farmers Market Nutrition Program is run through Department of Social and Health Services (DSHS) and relies on DOH for administration of an electronic benefits system, growers and markets. The FMNP program will gather input and consult with DSHS on the proposed rules for the mobile market program.

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

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

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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Additional comments: If you are interested in this rulemaking and want to be on the interested parties list please email Karen Mullen at karen.mullen@doh.wa.gov

Date: 5/27/2025

**Name: Kristin Peterson, JD for Jessica L. Todorovich,
MS**

Title: Chief of Policy for Acting Secretary of Health

Signature:

A handwritten signature in black ink, appearing to read "Kristin Peterson", written in a cursive style.