

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representatives Smith, Flanagin and Hogue**

# A Bill

**ACT 489 OF 1993**  
**HOUSE BILL 1240**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 5-56-101, 5-  
9 56-102, AND 5-56-103 TO PROHIBIT ILLEGAL USE OR TRAFFIC IN  
10 *VOUCHERS* USED IN THE FEDERAL SPECIAL SUPPLEMENTAL FOOD  
11 PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC); AND FOR  
12 OTHER PURPOSES."

## Subtitle

14 "TO PROHIBIT ILLEGAL USE OR TRAFFIC IN *VOUCHERS* USED IN  
15 THE FEDERAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN  
16 (WIC)."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. Arkansas Code § 5-56-101 is hereby amended to read as  
22 follows:

23 "5-56-101. (a) Any individual, partnership, corporation, or other  
24 legal entity who shall issue food coupons in a manner not authorized by  
25 federal law and regulations or state law and regulations or who shall use,  
26 transfer, acquire, possess, or present any such coupons for payment not  
27 authorized by federal and state law or federal and state regulations shall be  
28 guilty of a Class D felony and shall, upon conviction, be fined not more than  
29 ten thousand dollars (\$10,000) or imprisoned for not more than five (5) years,  
30 or both, or, if such coupons are of a value of less than one hundred dollars  
31 (\$100), shall be guilty of a Class A misdemeanor and shall, upon conviction  
32 thereof, be fined not more than one thousand dollars (\$1,000) or imprisoned  
33 for not more than one (1) year, or both.

34 (b) Any individual, partnership, corporation, or other legal entity who  
35 shall issue vouchers used in the federal Special Supplemental Food Program for  
36 Women, Infants, and Children (WIC) in a manner not authorized by federal law

1 and regulations or state law and regulations or who shall use, transfer,  
2 acquire, possess, or present any such vouchers for payment not authorized by  
3 federal and state law or federal and state regulations shall be guilty of a  
4 Class A misdemeanor and shall, upon conviction thereof, be fined not more than  
5 one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or  
6 both."

7 SECTION 2. Arkansas Code § 5-56-102 is hereby amended to read as  
8 follows:

9 *Whoever knowingly uses, transfers, acquires, or possesses vouchers in*  
10 *any manner not authorized by the federal Special Supplemental Food Program for*  
11 *Women, Infants, and Children (WIC) authorized by the Child Nutrition Act of*  
12 *1966, as amended, or federal and state regulations issued pursuant to the act,*  
13 *if such vouchers are of a value of less than one hundred dollars (\$100), shall*  
14 *be guilty of a Class A misdemeanor and shall, upon conviction thereof, be*  
15 *fined not more than one thousand dollars (\$1000) or imprisoned for not more*  
16 *than one (1) year, or both."*

17

18 SECTION 3. Arkansas Code § 5-56-103 is hereby amended to read as  
19 follows:

20 "5-56-103. (a) *Illegal presentation of food coupons for payment.*  
21 *Whoever presents, or causes to be presented, coupons for payment or redemption*  
22 *of the value of one hundred dollars (\$100) or more, knowing the same to have*  
23 *been received, transferred, or used in any manner in violation of the*  
24 *provisions of the federal Food Stamp Law or the federal or state regulations*  
25 *issued pursuant to the Food Stamp Law, shall be guilty of a Class D felony and*  
26 *shall, upon conviction, be fined not more than ten thousand dollars (\$10,000)*  
27 *or imprisoned for not more than five (5) years, or both, or, if such coupons*  
28 *are of a value of less than one hundred dollars (\$100), shall be guilty of a*  
29 *Class A misdemeanor and shall, upon conviction, be fined not more than one*  
30 *thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or*  
31 *both.*

32 (b) *Whoever presents, or causes to be presented, vouchers for payment*  
33 *or redemption of the value of one hundred dollars (\$100) or more, knowing the*  
34 *same to have been received, transferred, or used in any manner in violation of*  
35 *the provisions of the federal Special Supplemental Food Program for Women,*

1 Infants, and Children (WIC) authorized by the Child Nutrition Act of 1966, as  
2 amended, or the federal or state regulations issued pursuant to the act shall  
3 be guilty of a Class A misdemeanor and shall, upon conviction, be fined not  
4 more than one thousand dollars (\$1000) or imprisoned for not more than one (1)  
5 year, or both."

6

7 SECTION 4. Chapter 56 of Title 5 of the Arkansas Code is hereby amended  
8 by adding a new section to read as follows:

9 "5-56-104. (a) A WIC participant who intentionally makes false or  
10 misleading statements or intentionally conceals or withholds facts to obtain  
11 benefits, sells supplemental food or vouchers to, or exchanges with other  
12 individuals or entities, receives from food vendors cash or credit toward the  
13 purchase of unauthorized items or other items of value in lieu of authorized  
14 foods, or physically abuses clinic or vendor staff may be disqualified from  
15 participation in the WIC program for a specified period of time.

16 (b) The State Health Department shall establish sanctions for  
17 participant abuse.

18 (c) Vendors who provide cash, unauthorized foods, or other items in  
19 lieu of authorized supplemental foods, charge the State or local agency more  
20 for supplemental foods than other customers are charged for the same food item  
21 shall be disqualified from participation in the WIC Program for a specified  
22 period of time.

23 (d) The State Health Department shall establish sanctions for vendor  
24 abuse."

25

26 SECTION 5. All provisions of this act of a general and permanent nature  
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
28 Revision Commission shall incorporate the same in the Code.

29

30 SECTION 6. If any provision of this act or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not affect  
32 other provisions or applications of the act which can be given effect without  
33 the invalid provision or application, and to this end the provisions of this  
34 act are declared to be severable.

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