

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2586

5 By: Representatives J. Johnson, S. Prater
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7

For An Act To Be Entitled

9 AN ACT TO PLACE THE SPECIAL SUPPLEMENTAL
10 NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN
11 UNDER THE DEPARTMENT OF HUMAN SERVICES; TO
12 ESTABLISH AN ADVISORY COMMITTEE TO OVERSEE THE
13 WIC PROGRAM; TO REQUIRE MONTHLY REPORTS TO THE
14 HOUSE AND SENATE INTERIM COMMITTEES ON PUBLIC
15 HEALTH, WELFARE, AND LABOR; TO ESTABLISH
16 PENALTIES; AND FOR OTHER PURPOSES.
17

Subtitle

18 AN ACT TO PLACE THE WIC PROGRAM UNDER
19 THE DEPARTMENT OF HUMAN SERVICES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 20-7-111 is repealed:

26 ~~20-7-111. Administration of certain federal acts.~~

27 ~~(a) The State of Arkansas does accept the benefits of any acts now~~
28 ~~passed or hereafter to be passed by the Congress to provide for cooperation~~
29 ~~with the states in the protection of mothers and infants and promotion of a~~
30 ~~public health program.~~

31 ~~(b) The State Board of Health is designated as the state board for the~~
32 ~~purpose of carrying into effect the provisions of the federal acts and this~~
33 ~~section and shall have all necessary authority to cooperate with the federal~~
34 ~~authorities administering the acts of Congress. The board shall administer~~
35 ~~any legislation pursuant thereto enacted by the State of Arkansas under the~~
36 ~~provisions of this section for promotion of a health program.~~



1 ~~(c) The Director of the Department of Health shall act as executive~~
 2 ~~officer of the board for the purpose of administering the federal acts and~~
 3 ~~this section. The director shall carry into effect such rules and regulations~~
 4 ~~as the federal authorities and the board may adopt thereunder.~~

5 ~~(d) The Treasurer of State is designated and appointed custodian of~~
 6 ~~all moneys received by the state from the appropriation made by the Congress,~~
 7 ~~and he is authorized to receive and provide for the proper custody of the~~
 8 ~~moneys and to make disbursements in the manner provided by law and for the~~
 9 ~~purpose specified in this section.~~

10 ~~(e) The allocation of funds under this section shall be made to the~~
 11 ~~respective counties in consecutive order as they make application and qualify~~
 12 ~~for the funds.~~

13 ~~(f)(1) Any person, firm, or corporation violating any of the~~
 14 ~~provisions of this section upon conviction shall be guilty of a misdemeanor~~
 15 ~~and shall be fined in a sum not to exceed five hundred dollars (\$500) at the~~
 16 ~~discretion of the court.~~

17 ~~(2) Each day the violation is committed shall constitute a~~
 18 ~~separate offense.~~

19
 20 SECTION 2. Arkansas Code Title 25, Chapter 10 is amended to add an
 21 additional subchapter to read as follows:

22 25-10-501. Administration of the Special Supplemental Nutrition
 23 Program for Women, Infants and Children.

24 (a) The State of Arkansas accepts the benefits of any acts of the
 25 Congress of the United States that provide for cooperation with the states in
 26 the protection of mothers and infants and promotion of a public health
 27 program.

28 (b)(1) The Department of Human Services is designated as the sole
 29 agency for carrying into effect the provisions of the federal Special
 30 Supplemental Nutrition Program for Women, Infants and Children, 7 C.F.R. Part
 31 246, as in existence on March 1, 2005.

32 (2) The department shall cooperate with the federal authorities
 33 administering the program.

34 (3)(A) The Division of County Operations of the Department of
 35 Human Services shall administer the Special Supplemental Nutrition Program
 36 for Women, Infants and Children within the State of Arkansas.

1 (B) The division shall promulgate rules to implement the
 2 purposes of this chapter in accordance with the Arkansas Administrative
 3 Procedure Act, § 25-15-201 et seq.

4 (c)(1) The Treasurer of State is the custodian of all moneys received
 5 by the state from the appropriations made by the Congress of the United
 6 States for the program.

7 (2) The Treasurer of State shall:

8 (A) Receive and provide for the proper custody of the
 9 moneys; and

10 (B) Make disbursements in the manner provided by law and
 11 for the purposes specified in this subchapter.

12 (3)(A) Before disbursing any funds under this subchapter, the
 13 Treasurer of State shall review the plans prepared by the division under this
 14 chapter for each county office.

15 (B)(i) At least quarterly, the Treasurer of State shall
 16 review the operations of each county office to ensure that each office
 17 operates in accordance with state rules governing the administration of the
 18 federal Special Supplemental Nutrition Program for Women, Infants and
 19 Children.

20 (ii) The Treasurer of State shall withhold funds
 21 from the division in proportion to the regular disbursement to any county
 22 office that is not operating in accordance with state rules governing the
 23 administration of the federal Special Supplemental Nutrition Program for
 24 Women, Infants and Children.

25 (d)(1) Any person, firm, or corporation violating any of the
 26 provisions of this subchapter upon conviction shall be guilty of a
 27 misdemeanor and shall be fined in a sum not to exceed five hundred dollars
 28 (\$500) at the discretion of the court.

29 (2) Each day the violation is committed shall constitute a
 30 separate offense.

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 32 25-10-502. Women, Infants, and Children Advisory Board.

33 (a) There is created the Women, Infants, and Children Advisory Board.

34 (b)(1) The board shall consist of five (5) members appointed as
 35 follows:

36 (A) Three (3) members appointed by the Chair of the House

1 Interim Committee on Public Health, Welfare, and Labor; and

2 (B) Two (2) members appointed by the Chair of the Senate
 3 Interim Committee on Public Health, Welfare, and Labor.

4 (2) The chairs shall cooperate to ensure that at least one (1)
 5 member is appointed from each of the four (4) congressional districts.

6 (3) The appointments to the board shall be approved by the
 7 Legislative Council.

8 (c) Members shall serve two-year terms.

9 (d) Vacancies shall be filled in the same manner as a regular
 10 appointment.

11 (e) Within sixty (60) days of the effective date of this subchapter,
 12 the Chair of the House Interim Committee on Public Health, Welfare, and Labor
 13 and the Chair of the Senate Interim Committee on Public Health, Welfare, and
 14 Labor shall jointly call the first meeting of the board.

15 (f) At its first meeting, the board shall elect a chair to serve a
 16 one-year term.

17 (g) A majority of the members of the board shall constitute a quorum
 18 to transact business.

19 (h) The board shall meet at least monthly.

20 (i)(1) Before taking any action with regard to state administration of
 21 the Special Supplemental Nutrition Program for Women, Infants and Children,
 22 the Division of County Operations of the Department of Human Services shall
 23 present to the board any:

24 (A) Rules the division proposes to promulgate under this
 25 subchapter;

26 (B) Submissions to any United States Government agency
 27 under this subchapter;

28 (C) Contracts to be let or revised under this subchapter;
 29 and

30 (D) Other actions regarding the state administration of
 31 the federal Special Supplemental Nutrition Program for Women, Infants and
 32 Children.

33 (2) After reviewing a proposed action with regard to state
 34 administration of the Special Supplemental Nutrition Program for Women,
 35 Infants and Children, the board shall hold a public hearing on the proposed
 36 action.

1 (j) The Director of the Division of County Operations of the
2 Department of Human Services and the State Director of the federal Special
3 Supplemental Nutrition Program for Women, Infants and Children shall make
4 monthly reports to the Chair of the House Interim Committee on Public Health,
5 Welfare, and Labor and the Chair of the Senate Interim Committee on Public
6 Health, Welfare, and Labor.

7 (k) Members of the board may receive expense reimbursement and
8 stipends in accordance with § 25-16-902.

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