

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

As Engrossed: H4/4/05
A Bill

HOUSE BILL 2586

5 By: Representatives J. Johnson, S. Prater
6
7

8 **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

18 **Subtitle**

19 AN ACT TO PLACE THE WIC PROGRAM UNDER
20 THE DEPARTMENT OF HUMAN SERVICES.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code § 20-7-111 is amended to read as follows:*

26 *20-7-111. Administration of ~~certain federal acts~~ the Special*
27 *Supplemental Nutrition Program for Women, Infants and Children.*

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

33 *(b)(1) The State Board of Health is designated as the state board for*
34 *the purpose of carrying into effect the provisions of ~~the federal acts and~~*
35 *~~this section and shall have all necessary authority to cooperate with the~~*
36 *~~federal authorities administering the acts of Congress. The board shall~~*



1 ~~administer any legislation pursuant thereto enacted by the State of Arkansas~~
2 ~~under the provisions of this section for promotion of a health program the~~
3 ~~federal Special Supplemental Nutrition Program for Women, Infants and~~
4 ~~Children, 7 C.F.R. Part 246, as in existence on March 1, 2005.~~

5 (2)(A) The Department of Health shall administer the Special
6 Supplemental Nutrition Program for Women, Infants and Children within the
7 State of Arkansas.

8 (B) Through the board, the department shall promulgate
9 rules to implement the purposes of this section in accordance with the
10 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

11 (C) The department shall cooperate with the federal
12 authorities administering the program.

13 ~~(e) The Director of the Department of Health shall act as executive~~
14 ~~officer of the board for the purpose of administering the federal acts and~~
15 ~~this section. The director shall carry into effect such rules and regulations~~
16 ~~as the federal authorities and the board may adopt thereunder.~~

17 ~~(d)(c)(1) The Treasurer of State is designated and appointed custodian~~
18 ~~of all moneys received by the state from the appropriation made by the~~
19 ~~Congress, and he is authorized to receive and provide for the proper custody~~
20 ~~of the moneys and to make disbursements in the manner provided by law and for~~
21 ~~the purpose specified in this section.~~

22 (2)(A) Before disbursing any funds under this chapter, the
23 Treasurer of State shall review the plans prepared by the department under
24 this chapter for each county office.

25 (B)(i) At least quarterly, the Treasurer of State shall
26 review the operations of each county office to ensure that each office
27 operates in accordance with the purposes of the Special Supplemental
28 Nutrition Program for Women, Infants and Children.

29 (ii) The Treasurer of State shall withhold funds
30 from the division in proportion to the regular disbursement to any county
31 office that is not operating in accordance with the purposes of the Special
32 Supplemental Nutrition Program for Women, Infants and Children.

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

36 ~~(f)(d)(1) Any person, firm, or corporation violating any of the~~

1 provisions of this section upon conviction shall be guilty of a misdemeanor
2 and shall be fined in a sum not to exceed five hundred dollars (\$500) at the
3 discretion of the court.

4 (2) Each day the violation is committed shall constitute a
5 separate offense.

6 (e) There is created the Women, Infants, and Children Advisory Board.

7 (f)(1) The advisory board shall consist of five (5) members appointed
8 as follows:

9 (A) Three (3) members appointed by the Chair of the House
10 Interim Committee on Public Health, Welfare, and Labor; and

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

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

16 (3) The appointments to the board shall be approved by the
17 Legislative Council.

18 (4) Members shall serve two-year terms.

19 (5) Vacancies shall be filled in the same manner as a regular
20 appointment.

21 (g)(1) Within sixty (60) days of the effective date of this
22 subchapter, the Chair of the House Interim Committee on Public Health,
23 Welfare, and Labor and the Chair of the Senate Interim Committee on Public
24 Health, Welfare, and Labor shall jointly call the first meeting of the
25 advisory board.

26 (2) At its first meeting, the advisory board shall elect a chair
27 to serve a one-year term.

28 (3) A majority of the members of the advisory board shall
29 constitute a quorum to transact business.

30 (4) The advisory board shall meet at least monthly.

31 (5) Members of the board may receive expense reimbursement and
32 stipends in accordance with § 25-16-902.

33 (h)(1) Before taking any action with regard to state administration of
34 the Special Supplemental Nutrition Program for Women, Infants and Children,
35 the department shall present to the advisory board any:

36 (A) Rules the department proposes to promulgate under this

1 subchapter through the state board;

2 (B) Submissions to any United States Government agency
3 under this subchapter;

4 (C) Contracts to be let or revised under this subchapter;
5 and

6 (D) Other actions regarding the state administration of
7 the federal Special Supplemental Nutrition Program for Women, Infants and
8 Children.

9 (2) After reviewing a proposed action with regard to state
10 administration of the Special Supplemental Nutrition Program for Women,
11 Infants and Children, the advisory board shall hold a public hearing on the
12 proposed action.

13 (i) The Director of the Department of Health and the State Director of
14 the federal Special Supplemental Nutrition Program for Women, Infants and
15 Children shall make monthly reports to the Chair of the House Interim
16 Committee on Public Health, Welfare, and Labor and the Chair of the Senate
17 Interim Committee on Public Health, Welfare, and Labor.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ J. Johnson, et al