

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 721 Session of 2023

INTRODUCED BY SCHWANK, BROOKS, COSTA, AUMENT, HUGHES, KEARNEY, TARTAGLIONE, FONTANA, KANE, HAYWOOD, COMITTA, LAUGHLIN, CAPPELLETTI, BAKER, J. WARD, COLLETT, BREWSTER AND MUTH, JUNE 2, 2023

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, OCTOBER 3, 2023

AN ACT

1 Establishing the Women, Infants and Children State Advisory  
2 Board.

3 The General Assembly finds and declares as follows:

4 (1) The Commonwealth intends to maximize the Federal  
5 funding available for the Pennsylvania Special Supplemental  
6 Nutrition Program for Women, Infants and Children by  
7 maximizing participation and enrollment in the program to  
8 support healthier pregnancies, maternal outcomes, births and  
9 birth outcomes, improving health in pregnant women,  
10 postpartum women, children and infants in this Commonwealth  
11 and coordinating with other programs that support women,  
12 infants and children.

13 (2) Immediate action is needed to halt the steady  
14 decline in WIC participation and enrollment and the resultant  
15 decrease in Federal funding and nutritional assistance for  
16 Pennsylvania's lower-income women, infants and children, by

1 increasing the use of technology and administrative  
2 organization and by greater transparency in operation and use  
3 of Federal funding.

4 (3) It is necessary to steadily increase participation  
5 and enrollment in programs that support women, infants and  
6 children, eliminate enrollment barriers, coordinate and  
7 connect with related programs and maximize technology to  
8 improve maternal and infant birth outcomes and the health of  
9 children eligible for participation in the program.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Short title.

13 This act shall be known and may be cited as the WIC State  
14 Advisory Board Act.

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall  
17 have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 "Board." The Women, Infants and Children State Advisory  
20 Board established in section 3.

21 "Department." The Department of Health of the Commonwealth.

22 "Enrollment." The number of active WIC participants who are  
23 eligible to receive food benefits.

24 "Food instrument." A voucher, check, electronic benefits  
25 transfer (EBT) card, coupon or other document that is used by a  
26 participant to obtain supplemental foods.

27 "Participation." The number of individuals who have received  
28 WIC food benefits on a food instrument.

29 "WIC." The Pennsylvania Special Supplemental Nutrition  
30 Program for Women, Infants and Children.

1 Section 3. Establishment.

2 The Women, Infants and Children State Advisory Board is  
3 established in the department.

4 Section 4. Topics.

5 (a) Advising.--The board shall advise the department on the  
6 following topics:

7 (1) The operation of the programs, to:

8 (i) Increase enrollment and utilization of the  
9 programs.

10 (ii) Improve the quality of services to support  
11 connections between WIC and comprehensive services to  
12 address the social, health, educational and other needs  
13 of pregnant individuals, mothers, infants and children.

14 (2) Outreach initiatives to increase participation and  
15 enrollment in the program, including any underserved  
16 populations.

17 (3) Technology improvements or enhancements for program  
18 operations, efficacy and efficiency, including:

19 (i) Incorporating the use of technology and  
20 modernization tools that remove barriers for program  
21 participants, including the potential to load benefits  
22 remotely and purchase WIC benefits online.

23 (ii) Developing and maximizing the use of telehealth  
24 technology for the increased convenience of program  
25 participants.

26 (iii) Coordinating and collating services to improve  
27 efficiency and effectiveness of those services.

28 (iv) Establishing security measures to protect WIC  
29 participants' personal information and prevent fraudulent  
30 activity in the use of WIC benefits.

1 (4) INCREASING AWARENESS AND SUPPORT OF WIC

2 BREASTFEEDING SERVICES FOR WIC PARTICIPANTS.

3 (5) INCREASING ACCESS TO WIC-AUTHORIZED STORES FOR WIC  
4 PARTICIPANTS.

5 (b) Other topics.--The board may advise the department on  
6 other topics bearing on the program.

7 Section 5. Duties.

8 The board shall have the following duties:

9 (1) Review current aggregate data on WIC eligibility and  
10 participation and enrollment at the State level from the  
11 department.

12 (2) Become familiar with the WIC Policy Manual and WIC  
13 State plan.

14 (3) Advise on best practices that are used in other  
15 states.

16 (4) Consult with organizations and other agencies that  
17 work with WIC participants in fulfilling duties under this  
18 act.

19 (5) Advise the department on the topics enumerated in  
20 section 4.

21 Section 6. Membership and meetings.

22 (a) Membership.--The board shall consist of the following  
23 members:

24 (1) The following individuals shall be ex officio  
25 members of the board:

26 (i) The Secretary of Health or a designee who shall  
27 be an employee of the department.

28 (ii) The Director of WIC or a designee who shall be  
29 an employee of the department with specialized knowledge  
30 of WIC.

1 (iii) Two subject matter experts, as determined by  
2 the Secretary of Health or a designee.

3 (2) Remaining members of the board shall include the  
4 number of representatives from each of the following  
5 categories as indicated, for a total of ~~14~~ 15 remaining <--  
6 members:

7 (i) Two medical professionals with expertise in  
8 serving women and children from underserved populations, <--  
9 ONE OF WHOM IS A PEDIATRIC PHYSICIAN.

10 (ii) Two advocates focused on addressing food  
11 insecurity.

12 (iii) Two child or maternal advocates.

13 (iv) Three WIC participants, each representing a  
14 different region of this Commonwealth.

15 (v) One representative from two different WIC-  
16 authorized stores or representatives or designees of WIC-  
17 authorized stores, for a total of two, with preference  
18 being for one representative from a store located in an  
19 urban area and one representative from a store located in  
20 a rural area, as determined by the Secretary of Health.

21 (vi) One representative from each of three different  
22 WIC local agencies, for a total of three representatives,  
23 each representing a different region of this  
24 Commonwealth.

25 (VII) ONE INDIVIDUAL WHO IS AN EXPERT ON <--  
26 BREASTFEEDING.

27 (b) Chair.--The Secretary of Health or the Secretary of  
28 Health's designee shall serve as chair of the board. The  
29 following apply:

30 (1) At the first board meeting, board members shall

1 self-select a vice chair and secretary.

2 (2) The vice chair shall assist in the agenda creation  
3 and meeting organization.

4 (3) The Secretary of Health shall select a board member  
5 to fill the vice chair's obligations in the vice chair's  
6 absence.

7 (4) The secretary of the board shall capture and  
8 distribute meeting minutes.

9 (c) Quorum.--Ten board members under subsection (a)(2) shall  
10 constitute a quorum.

11 (d) Voting.--Only board members under subsection (a)(2)  
12 shall have voting rights. The vote of the majority of the quorum  
13 of board members shall prevail.

14 (e) Appointment and terms.--

15 (1) The Secretary of Health shall appoint members of the  
16 board under subsection (a)(2) for staggered three-year terms,  
17 as determined by the Secretary of Health, for a term not to  
18 exceed three consecutive years.

19 (2) A board member whose term has expired shall continue  
20 as a member of the board until a replacement has been  
21 appointed. The member shall have full voting rights and count  
22 for purposes of establishing a quorum. In no event shall a  
23 member continue to serve on the board beyond six months from  
24 the date of term expiration.

25 (3) Ex officio members or their designees shall serve so  
26 long as the official continues to serve in an official  
27 position.

28 (f) Vacancies.--Vacancies in the membership of the board  
29 shall be filled within 45 days of the vacancy in the same manner  
30 as provided for the original appointments.

1 (g) Staffing.--The board shall be staffed in collaboration  
2 with individuals from the department.

3 (h) Subcommittees.--The board may create subcommittees of  
4 the board members to carry out specific tasks or research.  
5 Subcommittees are to be created on an ad hoc basis and are not  
6 to replace or interfere with the efforts of the board.

7 (i) Meetings.--The board shall meet in accordance with the  
8 following:

9 (1) Members shall meet no fewer than four times per  
10 year, on a quarterly basis, except that the board shall meet  
11 every month for the first six months after the establishment  
12 of the board and, thereafter for the remainder of the first  
13 year, the board shall meet on a quarterly basis.

14 (2) The agenda for each meeting and all meeting minutes  
15 shall be posted to the department's publicly accessible  
16 Internet website.

17 (3) Meetings must comply with the following:

18 (i) The act of February 14, 2008 (P.L.6, No.3),  
19 known as the Right-to-Know Law.

20 (ii) 65 Pa.C.S. Ch. 7 (relating to open meetings).

21 Section 7. Compensation and reimbursement.

22 Board members shall not be entitled to compensation for their  
23 services as board members. Board members shall be entitled to  
24 reimbursement in accordance with Commonwealth guidelines for  
25 reasonable travel, lodging and other necessary expenses incurred  
26 in the performance of their duties as board members.

27 Section 8. Conflict of interest.

28 Board members shall recuse themselves from discussions and  
29 actions if a conflict of interest may exist.

30 Section 9. Effective date.

1        This act shall take effect in 60 days.