

## **BILL ANALYSIS**

Senate Research Center

H.B. 3204  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 3204 would prohibit the state from imposing requirements outside of the federal program for predominantly Women Infants and Children (WIC) vendors. Predominantly WIC vendors are defined as vendors that have over fifty percent of their sales from WIC items. The Department of State Health Services could not impose requirements around hours of operation, food item inventory other than WIC-approved items, or restrictions on opening, closing, or relocating a store.

H.B. 3204 intends to protect small predominantly WIC vendors from additional regulations that may force them out of business. Without these vendors, access to food and necessities could decrease significantly for pregnant women and young children. H.B. 3204 may not be interpreted to expand the WIC program in Texas.

H.B. 3204 amends current law relating to vendor requirements under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 1001, Health and Safety Code, by adding Section 1001.089, as follows:

Sec. 1001.089. VENDOR REQUIREMENTS FOR WOMEN, INFANTS, AND CHILDREN PROGRAM. (a) Defines "predominantly WIC program vendor" and "WIC program."

(b) Requires the state, if federal funding for the WIC program is accepted by the state, to include as authorized vendors predominantly WIC program vendors that meet all other vendor requirements established by federal and state WIC program laws and regulations.

(c) Prohibits the state from imposing requirements for a predominantly WIC program vendor that are outside the scope of the WIC program, including requirements relating to vendor hours of operation, inventory stocking of food items other than approved WIC program food items, or restrictions on opening, closing, or relocating a store.

(d) Provides that if a change in ownership of a predominantly WIC program vendor occurs, the new owner, in applying for a new vendor agreement, is subject to the same vendor requirements as predominantly WIC program vendors with existing vendor agreements.

(e) Prohibits this section from being interpreted to expand the WIC program in this state in any manner.

SECTION 2. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

SECTION 3. Effective date: September 1, 2017.