

By: Raymond

H.B. No. 3204

A BILL TO BE ENTITLED

AN ACT

relating to vendor requirements under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Section 1001.089 to read as follows:

Sec. 1001.089. VENDOR REQUIREMENTS FOR WOMEN, INFANTS, AND CHILDREN PROGRAM. (a) In this section:

(1) "Predominantly WIC program vendor" means an individual store that:

(A) operates and transacts approved WIC program food items at a fixed location; and

(B) has or is expected to have sales of approved WIC program food items to WIC program benefits recipients that exceed 50 percent of the store's total sales of food items eligible for purchase under the supplemental nutrition assistance program under Chapter 33, Human Resources Code.

(2) "WIC program" means the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786.

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

1 regulations.

2 (c) The state may not impose requirements for a
3 predominantly WIC program vendor that are outside the scope of the
4 WIC program, including requirements relating to:

5 (1) vendor hours of operation;

6 (2) inventory stocking of food items other than
7 approved WIC program food items; or

8 (3) restrictions on opening, closing, or relocating a
9 store.

10 (d) If a change in ownership of a predominantly WIC program
11 vendor occurs, the new owner, in applying for a new vendor
12 agreement, is subject to the same vendor requirements as
13 predominantly WIC program vendors with existing vendor agreements.

14 (e) This section may not be interpreted to expand the WIC
15 program in this state in any manner.

16 SECTION 2. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

22 SECTION 3. This Act takes effect September 1, 2017.