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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 721 Session of  
2023

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

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REFERRED TO HEALTH AND HUMAN SERVICES, JUNE 2, 2023

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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  
17 increasing the use of technology and administrative

1 organization and by greater transparency in operation and use  
2 of Federal funding.

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

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

11 Section 1. Short title.

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

14 Section 2. Definitions.

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

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

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

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

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

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

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

30 Section 3. Establishment.

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

3 Section 4. Topics.

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

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

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

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

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

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

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

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

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

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

30 (b) Other topics.--The board may advise the department on

1 other topics bearing on the program.

2 Section 5. Duties.

3 The board shall have the following duties:

4 (1) Review current aggregate data on WIC eligibility and  
5 participation and enrollment at the State level from the  
6 department.

7 (2) Become familiar with the WIC Policy Manual and WIC  
8 State plan.

9 (3) Advise on best practices that are used in other  
10 states.

11 (4) Consult with organizations and other agencies that  
12 work with WIC participants in fulfilling duties under this  
13 act.

14 (5) Advise the department on the topics enumerated in  
15 section 4.

16 Section 6. Membership and meetings.

17 (a) Membership.--The board shall consist of the following  
18 members:

19 (1) The following individuals shall be ex officio  
20 members of the board:

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

23 (ii) The Director of WIC or a designee who shall be  
24 an employee of the department with specialized knowledge  
25 of WIC.

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

28 (2) Remaining members of the board shall include the  
29 number of representatives from each of the following  
30 categories as indicated, for a total of 14 remaining members:

1 (i) Two medical professionals with expertise in  
2 serving women and children from underserved populations.

3 (ii) Two advocates focused on addressing food  
4 insecurity.

5 (iii) Two child or maternal advocates.

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

8 (v) One representative from two different WIC-  
9 authorized stores or representatives or designees of WIC-  
10 authorized stores, for a total of two, with preference  
11 being for one representative from a store located in an  
12 urban area and one representative from a store located in  
13 a rural area, as determined by the Secretary of Health.

14 (vi) One representative from each of three different  
15 WIC local agencies, for a total of three representatives,  
16 each representing a different region of this  
17 Commonwealth.

18 (b) Chair.--The Secretary of Health or the Secretary of  
19 Health's designee shall serve as chair of the board. The  
20 following apply:

21 (1) At the first board meeting, board members shall  
22 self-select a vice chair and secretary.

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

25 (3) The Secretary of Health shall select a board member  
26 to fill the vice chair's obligations in the vice chair's  
27 absence.

28 (4) The secretary of the board shall capture and  
29 distribute meeting minutes.

30 (c) Quorum.--Ten board members under subsection (a)(2) shall

1 constitute a quorum.

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

5 (e) Appointment and terms.--

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

10 (2) A board member whose term has expired shall continue  
11 as a member of the board until a replacement has been  
12 appointed. The member shall have full voting rights and count  
13 for purposes of establishing a quorum. In no event shall a  
14 member continue to serve on the board beyond six months from  
15 the date of term expiration.

16 (3) Ex officio members or their designees shall serve so  
17 long as the official continues to serve in an official  
18 position.

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

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

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

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

30 (1) Members shall meet no fewer than four times per

1 year, on a quarterly basis, except that the board shall meet  
2 every month for the first six months after the establishment  
3 of the board and, thereafter for the remainder of the first  
4 year, the board shall meet on a quarterly basis.

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

8 (3) Meetings must comply with the following:

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

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

12 Section 7. Compensation and reimbursement.

13 Board members shall not be entitled to compensation for their  
14 services as board members. Board members shall be entitled to  
15 reimbursement in accordance with Commonwealth guidelines for  
16 reasonable travel, lodging and other necessary expenses incurred  
17 in the performance of their duties as board members.

18 Section 8. Conflict of interest.

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

21 Section 9. Effective date.

22 This act shall take effect in 60 days.