

HB3467



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3467

Introduced 2/24/2011, by Rep. Elizabeth Hernandez, Elaine Nekritz and Deborah Mell

SYNOPSIS AS INTRODUCED:

20 ILCS 1305/10-25

Amends the Department of Human Services Act. Requires the Department of Human Services to promulgate rules by December 31, 2012 to ensure that infant formula packaged in containers made with the chemical bisphenol A (BPA) shall not be provided to women through the Women, Infants, and Children Nutrition Program.

LRB097 09678 KTG 51426 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Human Services Act is amended
5 by changing Section 10-25 as follows:

6 (20 ILCS 1305/10-25)

7 Sec. 10-25. Women, Infants, and Children Nutrition
8 Program.

9 (a) The Department shall participate in the Women, Infants
10 and Children Nutrition program of the federal government to the
11 maximum extent permitted by the federal appropriation and
12 allocation to the State of Illinois. The Department shall
13 report quarterly to the Governor and the General Assembly the
14 status of obligations and expenditures of the WIC nutrition
15 program appropriation and make recommendations on actions
16 necessary to expend all available federal funds. Other
17 appropriations and funds from any public or private source in
18 addition to federal funds may be used by the Department for the
19 purpose of maximum participation in the WIC nutrition program.

20 (b) The Department shall maintain a drug abuse education
21 program for participants in the Women, Infants and Children
22 Nutrition Program. The program shall include but need not be
23 limited to (1) the provision of information concerning the

1 dangers of drug abuse and (2) the referral of participants who
2 are suspected drug abusers to drug abuse clinics, treatment
3 programs, counselors or other drug abuse treatment providers.

4 (c) The Department shall cooperate with the Department of
5 Public Health for purposes of the smoking cessation program for
6 participants in the Women, Infants and Children Nutrition
7 Program maintained by the Department of Public Health under
8 Section 2310-435 of the Department of Public Health Powers and
9 Duties Law (20 ILCS 2310/2310-435).

10 (d) The Department may contract with any bank as defined by
11 the Illinois Banking Act to redeem bank drafts issued by the
12 Department under the United States Department of Agriculture
13 Special Supplemental Food Program for Women, Infants and
14 Children (WIC). Any bank with which the Department has entered
15 into a contract to redeem bank drafts may receive, pursuant to
16 an appropriation to the Department, an initial advance and
17 periodic payment of funds for the Women, Infants and Children
18 Program in amounts determined by the Secretary.
19 Notwithstanding any other law, such funds shall be retained in
20 a separate account by the bank. Any interest earned by monies
21 in such account shall accrue to the USDA Women, Infants and
22 Children Fund and shall be used exclusively for the redemption
23 of bank drafts issued by the Department. WIC program food funds
24 received by the bank from the Department shall be used
25 exclusively for the redemption of bank drafts. The bank shall
26 not use such food funds, or interest accrued thereon, for any

1 other purpose including, but not limited to, reimbursement of
2 administrative expenses or payments of administrative fees due
3 the bank pursuant to its contract or contracts with the
4 Department.

5 Such initial and periodic payments by the Department to the
6 bank shall be effected, pursuant to an appropriation, in an
7 amount needed for the redemption of bank drafts issued by the
8 Department under the United States Department of Agriculture
9 Special Supplemental Food Program for Women, Infants and
10 Children in any initial or succeeding period. The State
11 Comptroller shall, upon presentation by the Secretary of
12 adequate certification of funds needed for redemption of bank
13 drafts, promptly draw a warrant payable to the bank for deposit
14 to the separate account of the bank. Such certification may be
15 in magnetic tape or computer output form, indicating the amount
16 of the total payment made by the bank for the redemption of
17 bank drafts from funds provided to the bank under this Section.

18 The separate account of the bank established under this
19 Section, any payments to that account, and the use of such
20 account and funds shall be subject to (1) audit by the
21 Department or a private contractor authorized by the Department
22 to conduct audits, including but not limited to such audits as
23 may be required by State law, (2) audit by the federal
24 government or a private contractor authorized by the federal
25 government, and (3) post audit pursuant to the Illinois State
26 Auditing Act.

1 (e) The Department may include a program of lactation
2 support services as part of the benefits and services provided
3 for pregnant and breast feeding participants in the Women,
4 Infants and Children Nutrition Program. The program may include
5 payment for breast pumps, breast shields, or any supply deemed
6 essential for the successful maintenance of lactation, as well
7 as lactation specialists who are registered nurses, licensed
8 dietitians, or persons who have successfully completed a
9 lactation management training program.

10 (f) The Department shall coordinate the operation of the
11 Women, Infants and Children program with the Medicaid program
12 by interagency agreement whereby each program provides
13 information about the services offered by the other to
14 applicants for services.

15 (g) By December 31, 2012, the Department shall promulgate
16 rules to ensure that infant formula packaged in containers made
17 with the chemical bisphenol A (BPA) shall not be provided to
18 women through the Women, Infants, and Children Nutrition
19 Program.

20 (Source: P.A. 90-290, eff. 1-1-98; 91-239, eff. 1-1-00.)