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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 20, 1999

Honorable Robert Zimmerman, Acting Secretary
Department of Health
802 Health and Welfare Building
Harrisburg, PA 17108

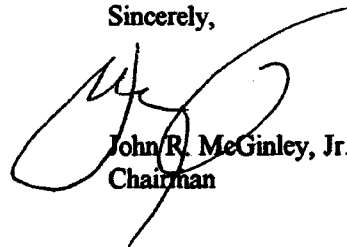
Re: IRRC Regulation #10-158 (#2030)
Department of Health
Supplemental Nutrition Program for Women, Infants and Children
(WIC Program)

Dear Acting Secretary Zimmerman:

The Independent Regulatory Review Commission approved the subject regulation at its May 20, 1999 public meeting. Our Order is enclosed and is available on our website at <http://www.irrc.state.pa.us>.

We appreciate the joint effort that went into producing a regulation that met the criteria and intent of the Regulatory Review Act.

Sincerely,



John R. McGinley, Jr.
Chairman

JRM:wbg
Enclosure
cc: Greg Landis
Lesla Tressler

INDEPENDENT REGULATORY REVIEW COMMISSION

14th Floor, 333 Market Street
Harrisburg, PA 17101

Commissioners Present:

Public Meeting Held May 20, 1999

John R. McGinley, Jr., Chairman
Alvin C. Bush, Vice Chairman
Arthur Coccodrilli
John F. Mizner

Department of Health
Supplemental Nutrition Program for Women, Infants
and Children (WIC Program)

Regulation No. 10-158

BY ORDER OF THE COMMISSION

On April 29, 1999, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapters 1101 - 1113. The authority for this regulation is 42 U.S.C. § 1786. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This proposal provides for the authorization and management of retail grocery stores participating in the WIC program, a federal program administered by the Department. The WIC program provides supplemental nutrition benefits to women, infants and children who are found to be at nutritional risk during critical stages of growth. This regulation establishes provisions for store participation in the program, the food inventory that a WIC store must maintain, the sanctions that will be imposed for non-compliance, and the appeal process for individuals who are denied benefits.

We have reviewed this regulation and find it to be in the public interest. The regulation is necessary to respond to a Commonwealth Court decision that found that the criteria used to authorize stores to participate were invalid because they were not promulgated as a regulation.

THEREFORE, IT IS ORDERED THAT:

1. Regulation No. 10-158 from the Department of Health, as submitted to the Commission on April 29, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.



John R. McGinley, Jr., Chairman

