

8077

I N S E N A T E

June 10, 2016

Introduced by Sens. KLEIN, ESPAILLAT, ADDABBO, AVELLA, CARLUCCI, COMRIE, DILAN, GOLDEN, LATIMER, PANEPINTO, PARKER, PERALTA, PERKINS, RIVERA, SANDERS, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to access to the special supplemental nutrition program for women, infants and children

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 2507 to read as follows:
3 S 2507. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND
4 CHILDREN; SPECIALTY INFANT FORMULA.
5 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION:
6 (A) "WIC" SHALL MEAN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
7 WOMEN, INFANTS AND CHILDREN;
8 (B) "WIC VENDOR" SHALL MEAN A VENDOR WHICH HAS A CONTRACT TO SELL
9 PRODUCTS COVERED BY WIC TO INDIVIDUALS UNDER THE WIC PROGRAM; AND
10 (C) "SPECIALTY INFANT FORMULA" SHALL MEAN INFANT FORMULA THAT IS
11 PRESCRIBED FOR A SPECIFIC MEDICAL CONDITION, FOR WHICH MEDICAL DOCUMEN-
12 TATION MAY BE REQUIRED, UNDER REGULATIONS OF THE COMMISSIONER.
13 2. EVERY WIC VENDOR SHALL BE AUTHORIZED TO SELL ANY PRODUCT COVERED
14 UNDER WIC, INCLUDING SPECIALTY INFANT FORMULA, UNLESS SPECIFICALLY
15 LIMITED OR BARRED BY THE COMMISSIONER APPLYING REGULATIONS UNDER THIS
16 SECTION OR APPLICABLE FEDERAL REGULATIONS. THE COMMISSIONER SHALL NOT
17 APPLY ARBITRARY CRITERIA, OR CRITERIA THAT CREATE UNREASONABLE BARRIERS
18 FOR WIC PARTICIPANTS TO ACCESS SPECIALTY INFANT FORMULA, AND SHALL ONLY
19 APPLY CRITERIA THAT ARE REASONABLY RELATED TO AND CONSISTENT WITH: (A)
20 PROMOTING WIC BENEFICIARY ACCESS TO SPECIALTY INFANT FORMULA; AND (B)
21 ADMINISTRATION OF WIC WITH INTEGRITY, EFFICIENCY AND SECURITY.
22 S 2. This act shall take effect on the one hundred eightieth day after
23 it shall have become a law; provided, however, that effective immediate-
24 ly, the commissioner of health shall make regulations and take other
25 actions necessary to implement the provisions of this act.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD14717-05-6