S T A T E O F N E W Y O R K

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:

Section 1. The public health law is amended by adding a new section 2507 to read as follows:

S 2507. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN; SPECIALTY INFANT FORMULA.

1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION:

(A) "WIC" SHALL MEAN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN;

(B) "WIC VENDOR" SHALL MEAN A VENDOR WHICH HAS A CONTRACT TO SELL PRODUCTS COVERED BY WIC TO INDIVIDUALS UNDER THE WIC PROGRAM; AND

(C) "SPECIALTY INFANT FORMULA" SHALL MEAN INFANT FORMULA THAT IS PRESCRIBED FOR A SPECIFIC MEDICAL CONDITION, FOR WHICH MEDICAL DOCUMENTATION MAY BE REQUIRED, UNDER REGULATIONS OF THE COMMISSIONER.

2. EVERY WIC VENDOR SHALL BE AUTHORIZED TO SELL ANY PRODUCT COVERED UNDER WIC, INCLUDING SPECIALTY INFANT FORMULA, UNLESS SPECIFICALLY LIMITED OR BARRED BY THE COMMISSIONER APPLYING REGULATIONS UNDER THIS SECTION OR APPLICABLE FEDERAL REGULATIONS. THE COMMISSIONER SHALL NOT APPLY ARBITRARY CRITERIA, OR CRITERIA THAT CREATE UNREASONABLE BARRIERS FOR WIC PARTICIPANTS TO ACCESS SPECIALTY INFANT FORMULA, AND SHALL ONLY APPLY CRITERIA THAT ARE REASONABLY RELATED TO AND CONSISTENT WITH: (A) PROMOTING WIC BENEFICIARY ACCESS TO SPECIALTY INFANT FORMULA; AND (B) ADMINISTRATION OF WIC WITH INTEGRITY, EFFICIENCY AND SECURITY.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the commissioner of health shall make regulations and take other 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.

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