STATE OF NEW YORK

1067

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. KLEIN -- 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 and specialty formula; and to amend a chapter of the laws of 2016 amending the public health law relating to access to the special supplemental nutrition program for women, infants and children, as proposed in legislative bills numbers S. 8077 and A. 9648-A, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 2507 of the public health law, as added by a chapter of the laws of 2016 amending the public health law relating to access to the special supplemental nutrition program for women, infants and children, as proposed in legislative bills numbers S. 8077 and A. 9648-A, is amended to read as follows:

§ 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 **food** vendor" shall mean a [~~vendor which has a contract~~] **business entity that operates a retail delivery system that is authorized by the department** 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~~] **specifically formulated nutrition products prescribed for medically fragile WIC participants with qualifying medical conditions**.

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

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2. Every WIC food vendor shall be authorized to sell any product covered under WIC, including specialty [~~infant~~] formula, in accordance with the WIC vendor type as designated by the department, unless specifically limited or barred by the commissioner [~~applying regulations under this section or applicable~~] pursuant to state or 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~~] is authorized to establish criteria defining which WIC food vendors can sell specialty formula. Any such criteria shall not be applied arbitrarily and shall ensure WIC participant access to specialty formula. The commissioner shall establish a process to address individual cases where there is evidence of inadequate WIC participant access.

§ 2. Section 2 of a chapter of the laws of 2016 amending the public health law relating to access to the special supplemental nutrition program for women, infants and children, as proposed in legislative bills numbers S. 8077 and A. 9648-A, is amended to read as follows:

§ 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~~] immediately.

§ 3. This act shall take effect immediately.