§ 2507. Special supplemental nutrition program for women, infants and children; specialty 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 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 formula" shall mean specifically formulated nutrition products prescribed for medically fragile WIC participants with qualifying medical conditions.

2. Every WIC food vendor shall be authorized to sell any product covered under WIC, including specialty formula, in accordance with the WIC vendor type as designated by the department, unless specifically limited or barred by the commissioner pursuant to state or federal regulations. The commissioner 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.