



**ADDENDUM TO THE DIVISION OF  
FAMILY HEALTH AND WELLNESS  
WIC VENDOR HANDBOOK  
2022 – 2024**

# TENNESSEE WIC PROGRAM MINIMUM STOCK REQUIREMENTS

EFFECTIVE OCTOBER 1, 2023 – SEPTEMBER 30, 2024

(Revised pages13-18)

## **GENERAL INFORMATION:**

1. **Minimum quantities for all required categories and items must be stocked at all times regardless of the number of WIC transactions at any given time. Failure to do so may result in termination of the WIC Vendor Agreement and/or disqualification as an authorized WIC vendor. Adjustments to these quantities may be made during the effective period upon notification by a WIC Program representative.**
2. **Only approved foods within the manufacturer’s product eligibility dates and priced in a clearly visible location will be counted towards meeting minimum stock.**
3. **When multiple sizes of the same food category are allowed, the vendor is expected to attempt to stock at least one product of the maximum allowed size.**
4. There are (3) different minimum stock lists, depending on whether they are a major chain, large independent, small independent, etc. Regional Vendor Representatives will notify each vendor applicant or authorized vendor as to which list applies to their location.
5. Remarks in the “Comments” column provide general information for stocking each food category. Refer to the “Tennessee WIC Shopping Guide” for specifics.
6. Where it says “Optional,” vendors have the option of carrying the suggested amounts of that category or item. If a vendor chooses to stock these items, the minimum stock requirements must be met.
7. Each list includes the federal requirement that at least one (1) variety of eligible cereal stocked must be a whole grain cereal.
8. Each list includes minimum stock for Cash Value Benefits (CVBs) to be used for purchasing fruits and vegetables. This includes the federal requirement that at least a minimum of two (2) varieties of eligible fruits and two (2) varieties of eligible vegetables must be stocked at all times.

**TENNESSEE WIC PROGRAM  
MINIMUM STOCK REQUIREMENTS EFFECTIVE  
OCTOBER 1, 2023 – SEPTEMBER 30, 2024**

**STOCK LIST ASSIGNMENTS**

Effective June 1, 2018, the three (3) different minimum stock lists are based on WIC sales volume. Vendor stock list groupings have been assigned using WIC sales volume during the previous federal fiscal year or average monthly redemptions (whichever is available). Vendors have been assigned as follows:

| <b><u>STOCK LIST ASSIGNMENT</u></b> | <b><u>FFY WIC SALES (\$)</u></b>   |    | <b><u>AVERAGE MONTHLY WIC SALES (\$)</u></b> |
|-------------------------------------|------------------------------------|----|--|
| 1. SMALL                            | Less than \$50,000                 |    | Less than \$4,166                            |
| 2. MEDIUM                           | \$50,000 – Less than \$125,000     | OR | \$4,166 – Less than \$10,417                 |
| 3. LARGE                            | Greater than or equal to \$125,000 |    | Greater than or equal to \$10,417            |

**NOTES:**

A semi-annual review of WIC sales will help to determine if there has been a significant increase or decrease. Such situations will be investigated and determined if changes are needed on a case-by-case basis.

New vendor applicants' projected sales will be used to determine the appropriate stock list group based on the classifications above. The original stock list assignment can be confirmed or changed at the time of the required visit to reassess the decision to authorize that vendor applicant.

## FOOD FOR WOMEN AND CHILDREN

| CATEGORY                                | MINIMUM REQUIREMENT  |  |  | COMMENTS   |
|---|--|--|--|--|
|   | Large  | Medium   | Small  |  |
| Fluid Milk                              | 8 gallons with at least 4 in other than whole or 2%  | 6 gallons with at least 3 in other than whole or 2%  | 4 gallons with at least 2 in other than whole or 2%  | May include combination of whole, reduced fat (2%), low-fat (1%), non-fat (skim) or sweet acidophilus (1%) in gallon containers. |
| Lactose Reduced Milk; Lactose Free Milk | 8 quarts or 4 half-gallons (cannot be combination of size but can be combination of “Reduced” and “Free”)  | <b>Optional:</b> 6 quarts or 3 half-gallons (cannot be combination of size but can be combination of “Reduced and “Free”)                                    | <b>Optional:</b> 4 quarts or 2 half-gallons (cannot be combination of size but can be combination of “Reduced and “Free”)                  |  |
| Eggs                                    | 8 dozen Grade A Large  | 6 dozen Grade A Large  | 3 dozen Grade A Large  | White eggs only in cartons of 12.  |
| Cheese                                  | 8 lbs.   | 6 lbs.   | 4 lbs.   | May include combination of eligible varieties or blends thereof in 8 oz. or 16 oz. packages.                                     |
| Yogurt                                  | 6 (32 oz) tubs (must be combination of low-fat or non-fat and at least 1 of these options being whole fat) | 5 (32 oz) tubs low-fat or non-fat or a combination of 3 (32 oz) tubs and 2 (4 oz-4pack) low-fat or non-fat (any additional can be whole, low-fat or non-fat) | <b>Optional:</b> 4 (32 oz) tubs or 2 (32 oz) tubs and 2 (4 oz) 4-pack low-fat or non-fat (any additional can be whole, low-fat or non-fat) | Food Guide states eligible brands.   |
| Tofu; Evaporated Milk                   | 3 (16 oz) packages of tofu or 3 (12 oz) cans of evaporated milk or combination thereof                     | <b>Optional:</b> 2 (16 oz) packages of tofu or 2 (12 oz) cans of evaporated milk or combination thereof  | <b>Optional:</b> 1 (16 oz) package of tofu or 1 (12 oz) can of evaporated milk   | Food Guide states eligible brands of tofu; Evaporated milk can be any eligible brand.  |
| Non-fat Dry Powdered Milk               | <b>Optional:</b> 3 (9.6 oz) packages   | <b>Optional:</b> 2 (9.6 oz) packages   | <b>Optional:</b> 1 (9.6 oz) packages   | The 9.6 oz package is the only eligible size. It constitutes to the allowed amount of 3 qts.                                     |
| Buttermilk                              | 3 quarts low-fat (any additional can be whole or low-fat)  | <b>Optional:</b> 2 quarts low-fat (any additional can be whole or low-fat)   | <b>Optional:</b> 1 quart low-fat (any additional can be whole or low-fat)  |  |
| Soy Beverage                            | 6 quarts or 3 half-gallons (not in combination)  | <b>Optional:</b> 6 quarts or 3 half-gallons (not in combination)   | <b>Optional:</b> 4 quarts or 2 half-gallons (not in combination)   | Food Guide states eligible brands and sizes.   |

## FOOD FOR WOMEN AND CHILDREN

| CATEGORY   | MINIMUM REQUIREMENT  |  |  | COMMENTS  |
|--|--|--|--|---|
|  | Large  | Medium   | Small  |   |
| Dried Beans/Peas;<br>Canned Beans  | 4 (1 lb) bags of dried beans/peas or 16 (15-16 oz) cans of canned beans  | 3 (1 lb) bags of dried beans/peas or 12 (15-16 oz) cans of canned beans  | 2 (1 lb) bags of dried beans/peas or 8 (15-16 oz) cans of canned beans   | May include cans or packages of mixed beans.  |
| Juice  | 12 (11.5-12 oz) frozen and/or 12 (48 oz) shelf containers or combination thereof representing at least 3 flavors; 8 (64 oz) plastic containers representing at least 3 flavors | 9 (11.5-12 oz) frozen and/or 9 (48 oz) shelf containers or combination thereof representing at least 2 flavors; 6 (64 oz) plastic containers representing at least 2 flavors | 6 (11.5-12 oz) frozen and/or 6 (48 oz) shelf containers or combination thereof representing 2 flavors and 4 (64 oz) plastic containers representing at least 2 flavors | May include combination of eligible flavors and brands; Calcium fortified juices are eligible; No bottle or carton juice from dairy cases except orange juice.  |
| Peanut Butter  | 4 (16 – 18 oz) jars  | 3 (16 – 18 oz) jars  | 2 (16 – 18 oz) jars  | May include combination of creamy (smooth) or chunky (crunchy).   |
| Tuna   | 10 (5 oz) cans   | 8 (5 oz) cans  | 6 (5 oz) cans  | Light tuna only. May include combination of oil or water packed. No albacore.   |
| Salmon; Jack Mackerel  | 4 (14.75 oz) cans of salmon and/or 4 (15 oz) cans of jack mackerel or combination thereof  | 3 (14.75 oz) cans of salmon and/or 3 (15 oz) cans of jack mackerel or combination thereof  | <b>Optional:</b> 2 (14.75 oz) cans of salmon or 2 (15 oz) cans of jack mackerel  | May include salmon with bones or skin.  |
| Sardines   | 10 (3.75 oz) cans  | 6 (3.75 oz) cans   | <b>Optional:</b> 4 (3.75 oz) cans  | May include products in tomato or mustard sauce.  |
| Cereals  | 12 packages representing at least 4 kinds  | 10 packages representing at least 3 kinds  | 6 packages representing at least 2 kinds   | May include combination of eligible cold and hot cereals. Must include at least one (1) eligible whole grain cereal.  |
| Whole Wheat/<br>Whole Grain<br>Breads and/or<br>Other Whole Grain<br>Options | 4 (16 oz) bread, buns, and/ or rolls representing at least 2 varieties; 4 (16 oz) other grains, tortillas or whole wheat macaroni (pasta) representing at least 2 varieties    | 3 (16 oz) bread, buns, and/or rolls representing at least 1 variety; 3 (16 oz) other grains, tortillas or whole wheat macaroni (pasta) representing at least 2 varieties     | 2 (16 oz) bread, buns, and/or rolls representing at least 1 variety; 2 (16 oz) other grains, tortillas or whole wheat macaroni (pasta) representing at least 1 variety | Breads include bread, buns and rolls. Food List states eligible brands; other options include brown rice, bulgur, oatmeal, barley, soft corn tortillas, whole wheat tortillas or whole grain macaroni (pasta). Food Guide states eligible brands of tortillas and macaroni (pasta). |

## FOOD FOR WOMEN AND CHILDREN

| CATEGORY   | MINIMUM REQUIREMENT  |  |  | COMMENTS                               |
|------------|--|--|--|--|
|            | Large  | Medium   | Small  |  |
| Fruits     | At least 4 varieties   | At least 3 varieties   | At least 2 varieties   | Can combine eligible fresh and frozen. |
| Vegetables | At least 4 varieties;<br>Minimum of \$40 worth of eligible fruits & vegetables | At least 3 varieties;<br>Minimum of \$30 worth of eligible fruits & vegetables | At least 2 varieties;<br>Minimum of \$20 worth of eligible fruits & vegetables | Can combine eligible fresh and frozen. |

## FOOD FOR INFANTS

| CATEGORY  | MINIMUM REQUIREMENT   |   |   | COMMENTS   |
|---|---|---|---|--|
|   | Large   | Medium  | Small   |  |
| Concentrate Infant Formula:<br>Milk and Soy Based | <b>Optional:</b> 15 (13 oz) cans of milk based <b>or</b> 15 (13 oz) cans of soy based <b>or</b> a combination thereof | <b>Optional:</b> 12 (13 oz) cans of milk based <b>or</b> 12 (13 oz) cans of soy based <b>or</b> a combination thereof | <b>Optional:</b> 8 (13 oz) cans of milk based <b>or</b> 8 (13 oz) cans of soy based <b>or</b> a combination thereof | WIC standard concentrate formulas:<br>Similac Advance (milk based)<br>Similac Soy Isomil (soy based) |
| Powder Infant Formula:<br>Milk and Soy Based      | <b>Required:</b> 20 (12.4 oz) containers of milk based and 10 (12.4 oz) containers of soy based                       | <b>Required:</b> 12 (12.4 oz) containers of milk based<br><b>Optional:</b> 6 (12.4 oz) containers of soy based        | <b>Required:</b> 6 (12.4 oz.) containers of milk based<br><b>Optional:</b> 6 (12.4 oz) containers of soy based      | WIC standard powder formulas:<br>Similac Advance (milk based)<br>Similac Soy Isomil (soy based)      |
| Similac Total Comfort                             | <b>Required:</b> 10 (12 oz) containers  | <b>Optional:</b> 6 (12 oz) containers   | <b>Optional:</b> 6 (12 oz) containers   | Available in powder only   |
| Similac Sensitive                                 | <b>Required:</b> 10 (12 oz) containers  | <b>Optional:</b> 6 (12 oz) containers   | <b>Optional:</b> 6 (12 oz) containers   | Minimum is for Powder  |
| Infant Cereals                                    | 10 (8 oz) boxes representing at least 3 kinds   | 6 (8 oz) boxes representing at least 2 kinds  | 4 (8 oz) boxes representing at least 1 kind   | May include boxes of mixed grains.<br>Food Guide states eligible brands.                             |

## FOOD FOR INFANTS

| CATEGORY                            | MINIMUM REQUIREMENT  |   |   | COMMENTS   |
|-------------------------------------|--|---|---|--|
|                                     | Large  | Medium  | Small   |  |
| Infant Fruits and Infant Vegetables | 128 (4 oz) containers/jars <b>or</b> 96 (4 oz) containers/jars and 48 twin packs representing at least 6 kinds | 96 (4 oz) containers/jars <b>or</b> 64 (4 oz) containers/jars and 32 twin packs representing at least 6 kinds | 64 (4 oz) containers/jars <b>or</b> 32 (4 oz) containers/jars and 16 twin packs representing at least 4 kinds | Single or mixed foods. Food List states eligible brands. Two-packs are allowed.            |
| Infant Meat                         | 30 (2.5oz) jars representing at least 2 kinds  | 20 (2.5 oz) jars representing at least 2 kinds  | <b>Optional:</b> 10 (2.5 oz) jars representing at least 1 kind  | Single type or plain meat or poultry in gravy or broth. Food Guide states eligible brands. |

8/2/23

## **HOT/COLD CEREAL - MINIMUM SIZE ALLOWED**

(Revised pages 24-25)

Effective December 2022, the minimum size of allowed hot and cold cereals that participants with active benefits for this category may purchase has changed from 11oz. to 9 oz.

Essential Everyday – Apple

Food Club – Apple, Cherry, Cranberry, Cranberry Grape, Grape, Pineapple, Tomato, Vegetable, White Grape

Food Lion – Apple, Berry Blend, Cherry, Fruit Punch, Grape, Grapefruit, Tomato, White Grape, White Grape Peach

Great Value – Apple, Cranberry Blend, Cranberry Grape, Tomato, Vegetable, White Grape, White Grape and Peach

Hy-Top – Apple, Grape, Tomato, Vegetable, White Grape

IGA – Apple, Grape, White Grape

Indian Summer - Apple

Juicy Juice - All flavors

Langer – Apple, Apple/Cranberry, Apple/Grape, Apple/Orange/Pineapple, Harvest Apple Plus, Orange, Pineapple w/Vitamin C, Cranberry Plus

Libby's – Pineapple

Lucky Leaf – Apple

Mott's – Apple Original, Apple/Cherry, Apple/White Grape

Northland – Blueberry/Blackberry/Acai, Cranberry, Cranberry/Blackberry, Cranberry/Blueberry, Cranberry/Grape,

Cranberry/Pomegranate, Cranberry/Raspberry, Pomegranate/Blueberry, Purple Power

Musselman's – Apple

Old Orchard – Apple, Apple/Cherry, Apple/Cranberry, Apple/Kiwi Strawberry, Apple/Peach/Mango, Apple/Raspberry,

Apple/Strawberry/Banana, Berry Blend, Black Cherry/Cranberry, Blueberry/Pomegranate, Cherry Pomegranate,

Cranberry/Pomegranate, Cranberry/Raspberry, Grape, Kiwi/Strawberry, Orange, Peach/Mango, Pineapple, Pineapple/Orange,

Strawberry Watermelon, White Grape, Wild Cherry

Seneca - Apple

V8 100% Vegetable Juice -Regular, Low Sodium, Spicy Hot

Welch's – Grape, White Grape, Red Grape, White Grape/Peach, White Grape/Raspberry

White House – Apple; Natural Apple, Premium Apple

## **COLD CEREAL (9 oz. minimum package)**

(Cereal with added pieces such as nuts or clusters is not recommended for children under 3)

(\*) Indicates Whole Grain

### **General Mills**

\*Cheerios - Regular

\*Multi-Grain Cheerios

\*Whole Grain Total (Wheat)

\*Wheaties

Blueberry Chex

Cinnamon Chex

Corn Chex

Rice Chex

\*Wheat Chex

\*Kix - Regular

\*Honey Kix

\*Berry Berry Kix

\*Fiber One Original

\*Fiber One Honey Clusters

### **Kellogg's**

\*All-Bran Complete Wheat Flakes

Rice Krispies

Crispix

Corn Flakes

Product 19

Special K Original

\*Mini Wheats – Frosted Original

\*Mini Wheats – Frosted Little Bites

\*Mini Wheats – Unfrosted Bite Size

Mini Wheats – Frosted Blueberry

Mini Wheats – Frosted Strawberry



## **Post**

- \*Bran Flakes
- \*Grape Nuts Flakes
- \*Grape Nuts – Original
- Honey Bunches of Oats – Honey Roasted
- Honey Bunches of Oats - Almonds
- Honey Bunches of Oats – Cinnamon Bunches
- \*Honey Bunches of Oats – Vanilla Bunches
- \*Honey Bunches of Oats – Whole Grain Almond Crunch
- Honey Bunches of Oats – Whole Grain Vanilla Bunches
- \*Honey Nut Shredded Wheat
- \*Great Grains Banana Nut Crunch

## **Quaker**

- \*Life - Original
- \*Oatmeal Squares – Brown Sugar
- Oatmeal Squares – Cinnamon
- Oatmeal Squares – Golden Maple
- Oatmeal Squares – Honey Nut

## **MOM Brands (Malt-O-Meal)**

- Crispy Rice
- \*Frosted Mini Spooners
- \*Strawberry Cream Mini Spooners
- \*Blueberry Mini Spooners
- Oat Blenders with Honey
- Oat Blenders with Honey & Almonds

## **STORE BRANDS/PRIVATE LABEL**

Eligible Varieties (Package Size Must be at Least 11 oz):

- Corn Flakes
- Crisp Rice, Crispy Rice
- \*Toasted Oats, Tasteo's, Rollin' Oats
- Bran Flakes
- Honey Oat Clusters

Please Note: Food List pamphlet will list specific brands

## **HOT CEREAL (9 oz. minimum package)**

(Cereal with added pieces such as nuts or clusters is not recommended for children under 3)

(\*) Indicates Whole Grain

## **B & G -- Cream of Wheat**

- Cream of Wheat – Regular in 1 minute (box)
- Cream of Wheat – Regular in 2 ½ minutes (box)
- \*Cream of Wheat – Whole Grain in 2 ½ minutes
- Cream of Wheat – Original (1 oz pks)
- Cream of Wheat – Original 10 Minute
- Cream of Wheat – Whole Grain 1 Minute
- Cream of Rice (14 oz box) – Instant, Original

## MAPPING TN WIC ALLOWED PRODUCE ITEMS

(Revised page 32)

Effective October 1, 2023, the Tennessee WIC Program requires retailers to map/link produce to a Tennessee WIC-approved PLU code. Produce mapping is the process of matching UPCs of fresh fruits and vegetables in your integrated Point of Sale (POS) software to Price Look Up (PLU) codes listed in the TN Approved Product List (APL). TN has included the PLUs set by the International Federation for Produce Standards (IFPS) for all fresh produce in the APL.

For corporately owned stores, the mapping may be completed at the corporate office. For independent or decentralized stores, mapping is typically completed at the store level. POS providers are responsible for providing instructions on produce mapping. TN WIC staff can tell you if an item needs to be mapped but are not equipped to help with the process.

### What produce items must be mapped? What should not be mapped?

- All fresh, plain fruits and vegetables including pre-cut items with UPCs such as in-store or commissary cut fresh fruits and vegetables.
- Fresh plain fruits and vegetables in bags or clamshells such as clamshells of strawberries, or brand name packaged items like a bag of Dole Romaine Lettuce.
- Fresh plain fruits and vegetables with PLUs that are not standard IFPS PLUs
- A store may **NEVER** map frozen or canned fruits and vegetables or other WIC food UPCs. TN WIC does have these UPCs in the APL so it is not necessary to map these items. It can also cause problems in the system, such as the failure of a WIC transaction, if these items are mapped.

TN WIC strongly encourages “full” or “one-to-one” mapping, which means that a fresh produce item with a UPC should be mapped to a PLU for the same kind of item. For example, cut up pineapple with a UPC would be mapped to a PLU for bulk pineapple. It is not necessary to map varieties of items to a specific PLU. For example, a bag of Honeycrisp apples can be mapped to a PLU for apples, instead of the specific PLU for bulk Honeycrisp apples. Please note that all fresh produce except for herbs, decorative fruits and vegetables, party trays, and pre-packaged produce with added ingredients is WIC allowed.

## TNWIC CARD PROCEDURES FOR CASHIERS

The following steps must be performed at the time of the transaction unless otherwise noted:

- For integrated systems, all items should be rung up. Participant should swipe their TNWIC card as the first form of payment. If the participant also has SNAP benefits they would like to redeem, this should be used as the second form of payment. Any remaining balance should be paid using cash, debit, credit, etc.
- For stand-beside devices, separate the foods to be purchased with TNWIC benefits from any other items. Once the WIC purchase has been completed, any remaining items may be rung up in a separate order.

## CLAIMS

- A request for reimbursement shall be made when a vendor is found to have a pattern of overcharging as the result of a compliance investigation. The investigation will consist of a series of covert compliance buys or could be the results of an inventory audit. The pattern can include charging Program participants more for approved foods than non-Program participants, charging for approved food not received by Program participants, charging for non-approved foods, or charging more than the current shelf price for approved foods.
- A request for reimbursement may also be made when a vendor is found to have charged too much for redeemed WIC benefits.
- Reimbursements are to be made payable to the Tennessee WIC Program.
- For compliance investigations, a pattern of overcharging shall result in disqualification.
- If a WIC vendor does not pay, only partially pays, or fails to timely pay a claim amount, the WIC vendor's agreement shall be terminated for cause.

**Revised 8/2/23**

## **CIVIL MONEY PENALTY INCREASES**

Effective May 2023, the Civil Money Penalty (CMP) amounts below were adjusted by the USDA.

(Revised pages 34-35)

### **D. One-year Disqualification:**

1. a pattern of providing non-WIC foods and/or a quantity of WIC food other than allowed on the WIC food FIs or CVVs/TNWIC benefits;
  2. a pattern of an “above-50-percent” vendor providing prohibited incentive items in accordance with the WIC Program’s policies and procedures.
- The WIC Program shall not accept the vendor’s voluntary withdrawal as an alternative to disqualification for any violation in this section. Non-renewal of the WIC Vendor Agreement as an alternative to disqualification is not allowed.
  - If there are multiple violations requiring federally mandated sanctions described in the sanction notice, the vendor shall be disqualified for the most serious violation. However, if a Civil Money Penalty (CMP) is to be imposed in lieu of disqualification, as described below in Section IV, it shall include each of the violations up to the limits of \$18,171 per single violation and \$72,686 maximum for multiple violations. These amounts are subject to future increases based on periodic revisions for inflation.
  - When a vendor previously assessed a federally mandated sanction for any of the one, three, or six-year periods is to be sanctioned again for any of these violations, the disqualification period shall be doubled. If a CMP is to be imposed, the amount of the CMP shall be doubled up to the maximum amounts described in Section IV.
  - When a vendor previously assessed a federally mandated sanction twice for any of these violations commits any one of them for the third time or greater, the disqualification period shall be doubled. A CMP shall not be imposed in these situations.

## **II. Disqualification Based on SNAP Disqualification or Another State’s WIC Program.**

- When a vendor is disqualified from SNAP or another state’s WIC Program, the WIC Program in Tennessee shall disqualify the vendor for the same length of time but may start the disqualification at a later date. Disqualification from the WIC Program based on a SNAP disqualification shall not be subject to administrative or judicial review under the WIC Program. In lieu of disqualification from either SNAP or another state’s WIC Program, there shall be a CMP imposed, as described in Section IV.
- The WIC Program may disqualify a vendor who has been imposed a CMP for participant access hardship in the SNAP or another state’s WIC Program. This disqualification shall be for the same length of time the vendor would have been disqualified from the SNAP or another State WIC agency.

## **III. State Sanctions Established by the Tennessee WIC Program.**

### **A. One-Year Disqualification for First Violation for:**

1. providing false information on the “Vendor Application for Authorization to Participate in the Tennessee WIC Program”
2. failing to produce bills of lading or invoices upon request of an authorized WIC representative that are on commercially printed invoice and/or receipt paper, readable and presented in a logical way, including those for infant formula purchases; or
3. failing to provide food sales information upon request of an authorized WIC representative.
4. failing to pay, only partially pays, or fails to timely pay a claim amount assessed as a result of a compliance investigation.

***Revised 8/2/23***

**B. Six-month Disqualification for First Violation and One-Year Disqualification for Second Violation for:**

1. failing to lower prices on approved WIC foods upon request of an authorized WIC representative;
  2. failing to allow employee training on WIC procedures including having in place an effective policy and program to prevent trafficking;
  3. failure of ownership/management to be knowledgeable of WIC procedures and be accountable for employee actions;
  4. failing to treat all WIC participants the same regardless of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA;
  5. failing to meet minimum stock requirements for approved WIC foods including having stock within eligible product dates;
  6. failing to provide suitable hours and environment for participant access including, but not limited to, not restricting the hours to redeem WIC FIs and CVVs, not keeping WIC participants from using a check-out available to all other customers, and not acting in a way that abuses or embarrasses a WIC participant;
  7. failing to offer WIC participants any courtesies offered other customers including, but not limited to, bonus cards, multiplying of coupon values and additional products for free;
  8. failing to conduct WIC transactions only on the vendor's premises; or
  9. failing to have hours posted and/or adhering to the posted hours.
- The total disqualification period for a sanction notice with only state-established sanctions shall not be more than one year. A CMP may be imposed in lieu of disqualification, as described in Section IV below.
  - If the sanction notice describes multiple violations requiring both federally mandated and state-established sanctions, the vendor shall be disqualified for the most serious violation. However, if the federally mandated sanction is not upheld on a vendor appeal, the WIC Program may impose a state sanction described in the state's sanction notice.

**IV. Civil Money Penalty (CMP) in Lieu of Disqualification.**

- The WIC Program shall impose a CMP in lieu of disqualification for all of the above actions that result in disqualification:
  - If, for any disqualification described in sections I through III above, it solely determines and documents that disqualifying the vendor would cause inadequate participant access. A CMP shall be based on 10% of the vendor's average WIC redeemed dollar amount for the previous six-month period multiplied by the number of months the vendor would have been disqualified. This dollar amount shall include redemptions for Cash Value Benefits (CVB) as well. However, the CMP shall not exceed \$18,171 for each violation or \$72,686 total for multiple violations described in the sanction notice. These amounts are subject to future increases based on periodic revisions for inflation, or
  - If, for paragraph A. of Section I above, the vendor had in place at the time of the violation an effective policy and program to prevent trafficking, and the ownership was not aware of, did not approve of, and was not involved in conducting the violation, the CMP in lieu of permanent disqualification shall be \$17,725 for each violation or \$72,686 total for multiple violations described in the sanction notice. These amounts are subject to future increases based on periodic revisions for inflation.
- The CMP shall be doubled up to the limits stated above for the second sanction and shall not be imposed in lieu of disqualification for third or subsequent sanctions.
- The WIC Program has the option to allow an installment plan for the payment of a CMP.