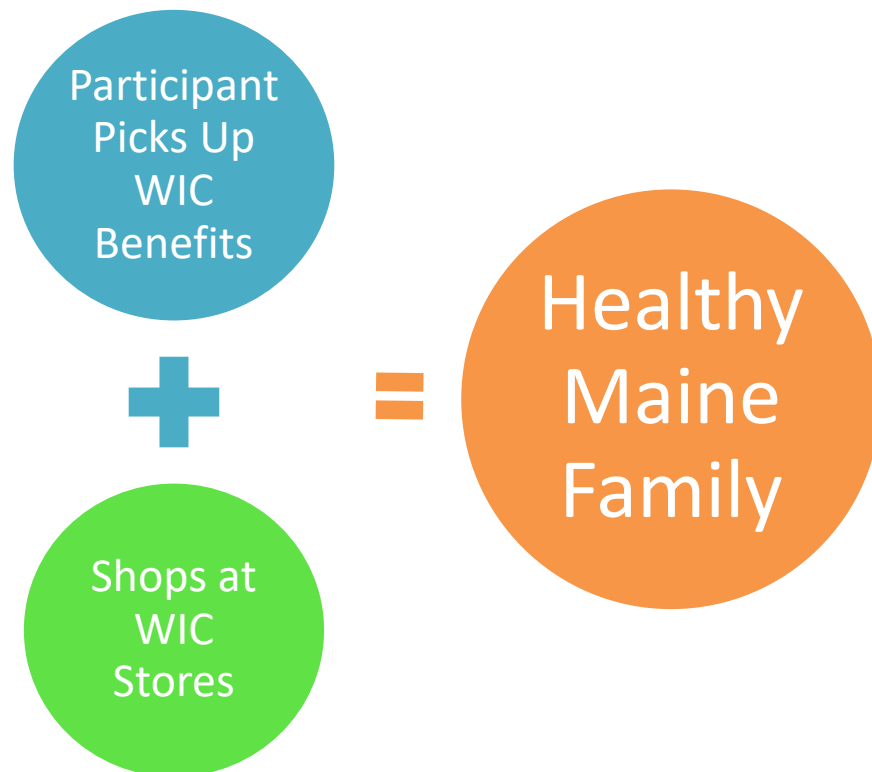




## MAINE WIC Vendor Training Guide



Maine Department of Health and Human Services  
Maine Center for Disease Control & Prevention  
Maine WIC Nutrition Program

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# **WIC Program Overview**

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## **The Purpose of WIC**

WIC is a supplemental nutrition program for women, infants, and children up to 5 years of age who are at nutritional risk. It is funded by the Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) and is managed by the Maine Center for Disease Control and Prevention.

The mission of WIC is to safeguard the health of low-income women, infants, and children up to age five who are at nutritional risk by providing nutritious foods to supplement diets, information on healthy eating, and referrals to health care and other services.

WIC vendors play an important role in ensuring WIC families receive the nutritious foods that help improve their health.

## **Contacting WIC**

You can reach WIC Program staff in the following ways:

**Call:**

207-287-3991  
1-800-437-9300  
TTY: Maine Relay 711  
Fax: 207-287-3993

**Write:**

Maine WIC Program  
SHS 11, 286 Water St  
Augusta, ME 04333

**Website:** [Maine.gov/WIC](http://Maine.gov/WIC) (Vendors)

**E-mail:**

[WICVendor@Maine.gov](mailto:WICVendor@Maine.gov)

Please contact us with any questions regarding WIC policies or issues at your store.

## **Staying Current with WIC Information**

WIC policies and forms are reviewed on an annual basis at a minimum. Information most likely to be updated is included as appendices in this training guide. Please visit the website [Maine.gov/WIC](http://Maine.gov/WIC) for the most current information.

## The Role of the WIC Vendor

Authorized WIC vendors provide WIC participants access to the nutritious foods prescribed for them. When a vendor signs an agreement to be WIC authorized, the vendor agrees to:

- Maintain a minimum stock of WIC approved foods in all WIC food categories (Appendix A).
- Purchase infant formula from a WIC authorized Infant Formula Supplier (Appendix B).
- Comply with the nondiscrimination provisions of 7 CFR Parts 15, 15A and 15B (Appendix C).
- Provide training for all staff who handle WIC transactions and ensure their knowledge about Maine WIC Nutrition Program procedures and requirements. Maintain a training log (Appendix D).
- Hold employees accountable for processing WIC transactions correctly.
- Offer WIC Program participants the same courtesy as other customers.
- Understand and adhere to the terms of the WIC Vendor agreement.

## WIC Approved Foods

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WIC provides supplemental foods designed to meet the special nutritional needs of WIC participants. WIC food categories are:

- Milk or milk alternatives / Yogurt
- Cheese / Tofu
- Eggs
- Nut and Seed Butters
- Beans/ Peas/ Lentils
- Whole Grain Items
- Fruits and Vegetables (including herbs)
- Juice
- Breakfast Cereal
- Canned Fish
- Infant Formula
- Baby Food

The current Approved Product List (APL) can be viewed or downloaded from the [Maine.gov/WIC](https://www.maine.gov/WIC) website. Another helpful tool to identify WIC approved foods is the WICShopper App. Read more about the WICShopper App in the next section.

There may be food items in your store that are not currently on Maine WIC's APL that you think should be included; those products may be new items or may not have been submitted for approval before. If you would like to request a review of food items to be added to the Maine CDC WIC APL, please download the Product Submission Spreadsheet (Excel) sheet from the [Maine.gov/WIC](http://Maine.gov/WIC) website and email it to [SubmitUPCWIC@maine.gov](mailto:SubmitUPCWIC@maine.gov). Alternatively, you can use the WIC Shopper App's feature "I couldn't buy this" to submit a product for approval.

WIC Approved shelf tags are not required, but if a store decides to use these to assist WIC customers, they are required to mark all WIC items in that food category.

## **Fruits and Vegetables Produce Mapping**

WIC vendors are responsible for ensuring that all produce items are "mapped" to codes currently included in Maine WIC's Approved Product List. Only food in the Approved Food List can be purchased with WIC benefits. PLUs and UPCs for fresh produce items frequently change and those not in the WIC APL are denied.

Mapping is the process of linking all WIC eligible produce to similar Price Look Up (PLU) codes already included in the WIC Approved Product List (APL). Mapping is critical for produce which have non-standard or store-generated PLUs or Universal Product Codes (UPCs), which are not recognized by the WIC APL.

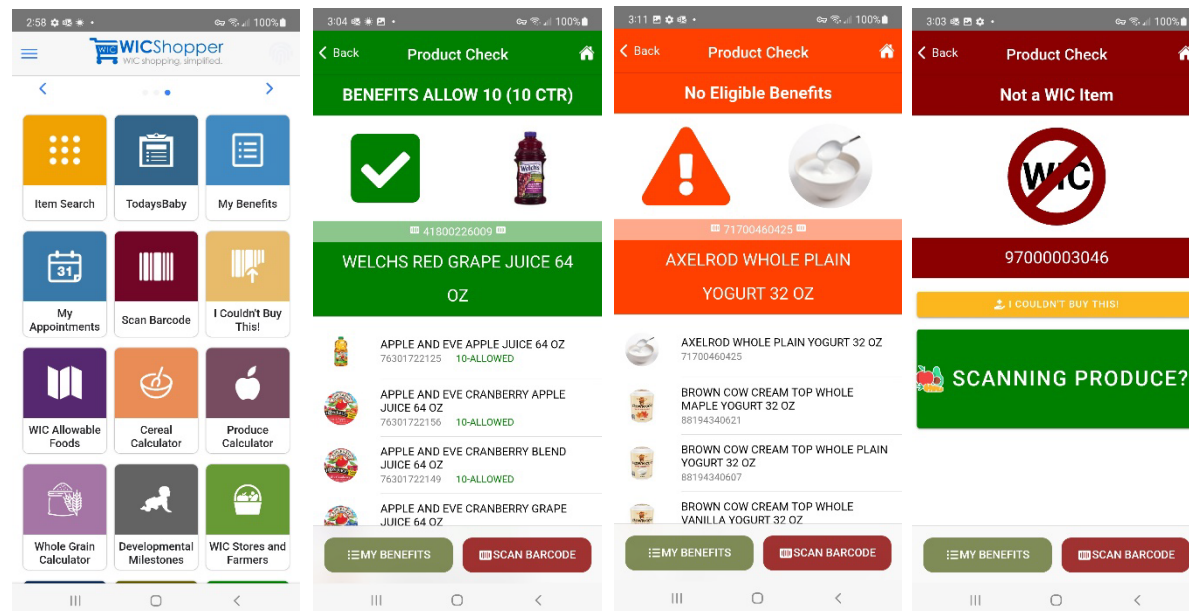
Please assist WIC families purchasing fresh produce by mapping any new products received. To map produce in your POS system, contact your store manager or POS provider.

## **WIC Shopper App – A Tool for Shoppers and Vendors**

The WICShopper app is a helpful tool for both vendors and customers to identify whether a food is WIC approved. The WICShopper app uses Maine WIC's APL, which is updated monthly. APL updates will occur automatically with your integrated cash register systems. After scanning a barcode, the app will indicate "WIC Allowed" in green and "Not A WIC Item" in red. Vendors can download the WICShopper app from the Apple App Store or Google Play, select Maine as the WIC Provider, and skip registering a card number.

A WIC customer should have their card account tied to the WICShopper app on their phone. When scanning a barcode, WIC customers may see three options. A green screen signifies that the product is WIC approved, and they have enough benefits to purchase it. An orange screen signifies that the product is WIC approved but not included in their available benefits. A red screen signifies that the product is not currently on the WIC APL.

**Figure 1: WIC Shopper App**



Both vendors and WIC customers can submit items they feel should be eligible by using the “I couldn’t buy this” icon on the main screen of the app. This request is sent to the Maine WIC Program for review.

## Minimum Stocking Requirements

WIC authorized vendors must maintain a minimum stock of WIC foods in each food category. Appendix A contains the minimum stocking list. Different minimums may be established for different types of vendors, based on peer groups. The Maine CDC uses peer groups to classify vendors into groups based on their business model. Currently, the minimum stocking requirement for infant formula differs by peer group. Vendor peer group assignments are listed on the WIC Vendor Agreement. Peer groups are as follows:

- Peer Group A – Chain stores, including mass merchandisers, national and

regional chains and other stores supplied through the same wholesale distributor as a national or regional chain (chain affiliates)

- Peer Group C – Convenience and independent grocery stores
- Peer Group E – FDA-Registered Manufacturers
- Peer Group H – Farmers Accepting FMNP Benefits and WIC Benefits

## **Authorized Infant Formula Suppliers**

WIC authorized vendors must purchase infant formula from a WIC authorized supplier. Appendix B contains the current list of WIC authorized infant formula suppliers and provides information on how to request that the WIC Program review a formula source for possible inclusion on the list.

## **Price Survey and Maximum Allowable Reimbursement**

Federal regulations require State WIC Programs to obtain current information about product prices. With the implementation of eWIC, product prices are collected from vendor transactions recorded through the EBT provider and a “Not to Exceed” (NTE) price is established for each food category item.

WIC authorized vendors must maintain food prices that are competitive with their peers. If the WIC team cannot determine pricing information about a food category, they may send out a modified price survey to obtain that data. If your prices are not competitive, WIC staff will contact you to determine next steps to resolve the issue.

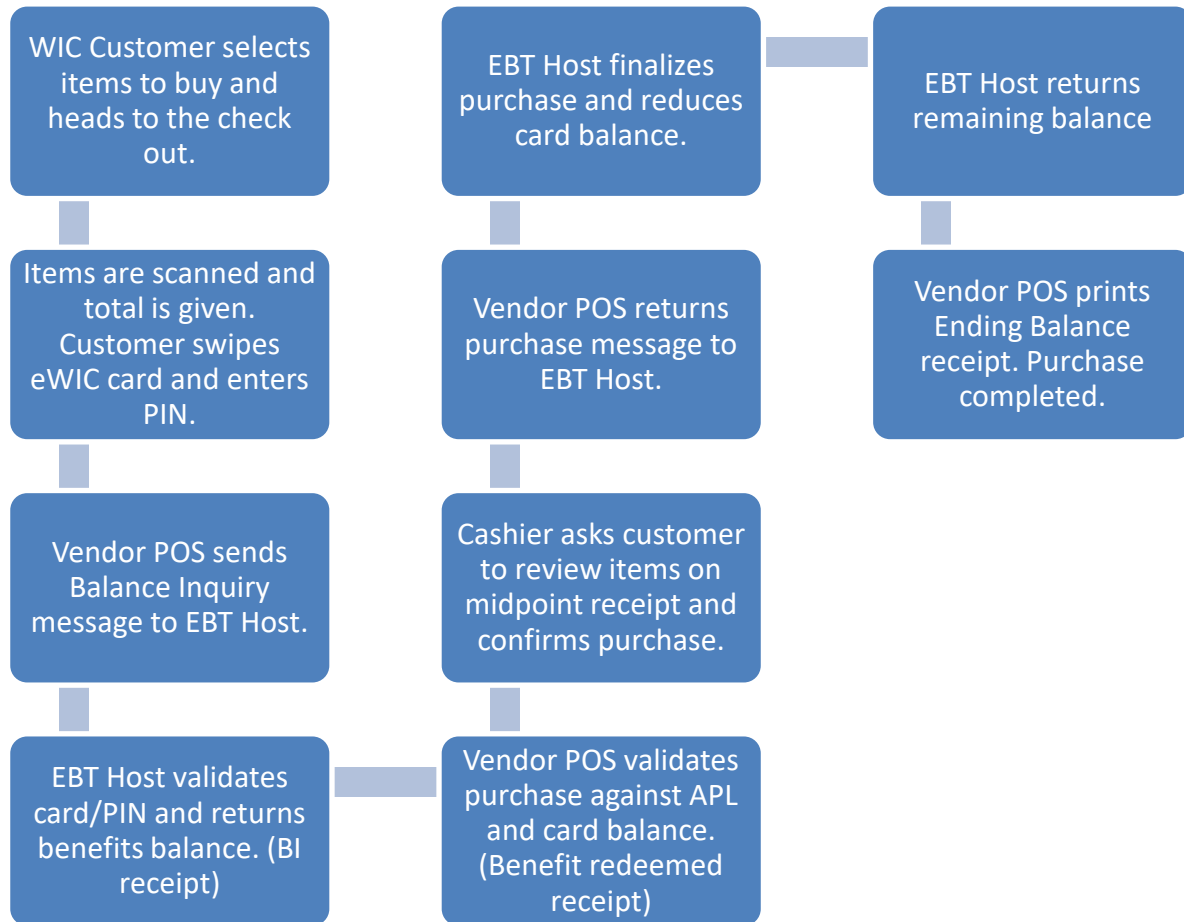


## Processing WIC Transactions

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This section provides an overview of the steps for processing an eWIC transaction. The figure below displays the steps involved in an eWIC transaction. The sections that follow outline each step in more detail.

**Figure 2: Steps to the eWIC Transaction**

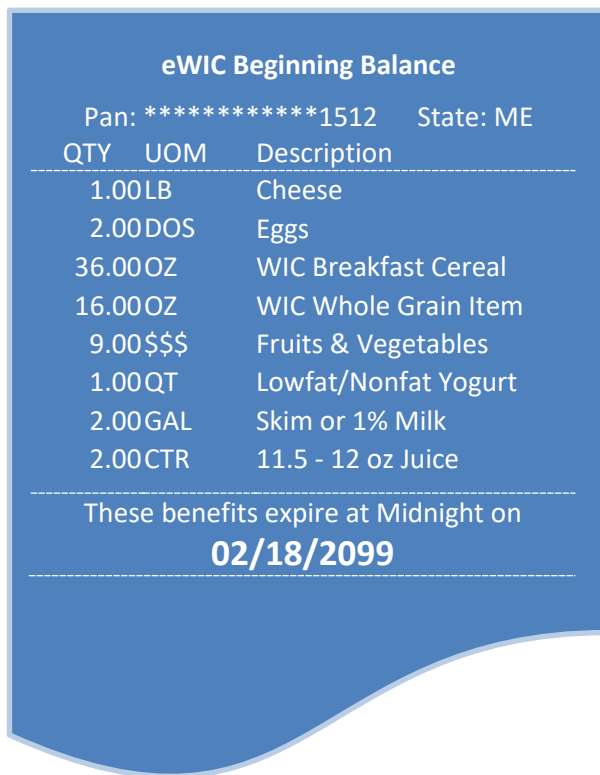


### At the Cash Register: Balance Inquiry Receipt

After scanning items on the belt, the customer slides card and enter their PIN. A Balance Inquiry is the first receipt to print. It tells both the cashier and the customer what benefits are available on the card.



**Figure 3: Balance Inquiry Receipt**

A blue receipt card with a wavy bottom edge. It contains the title 'eWIC Beginning Balance', a card number 'Pan: \*\*\*\*\*1512', and the state 'State: ME'. Below this is a table with three columns: 'QTY', 'UOM', and 'Description'. The table lists eight items: 1.00LB of Cheese, 2.00DOS of Eggs, 36.00OZ of WIC Breakfast Cereal, 16.00OZ of WIC Whole Grain Item, 9.00\$\$\$ of Fruits & Vegetables, 1.00QT of Lowfat/Nonfat Yogurt, 2.00GAL of Skim or 1% Milk, and 2.00CTR of 11.5 - 12 oz Juice. At the bottom, it states 'These benefits expire at Midnight on 02/18/2099'.

WIC Food Benefits are listed by unit of measure instead of a dollar value like a debit card.

- OZ (Ounces): Cereal, Infant Cereal, Baby Food Jars, Whole Grain Items (bread, rice, pasta), Canned Fish
- CTR (Container): Infant Formula, Juice, Peanut Butter, or Beans
- LB (Pound): Cheese
- QT: (Quart): Yogurt
- PKG: (Package): Tofu
- GAL (Gallon): Milk/Soy Milk
- DZ (Dozen): eggs
- \$\$\$ (Cash Value Benefit): Fresh Fruits and Vegetables listed in dollar amount

### **At the Cash Register: Midpoint Transaction Receipt**

The second receipt to print informs the cashier and the customer which items that were scanned match the benefits available on the card. The customer should be handed the receipt to see if all their WIC eligible items will be covered.

**Figure 4: Midpoint Transaction Receipt**

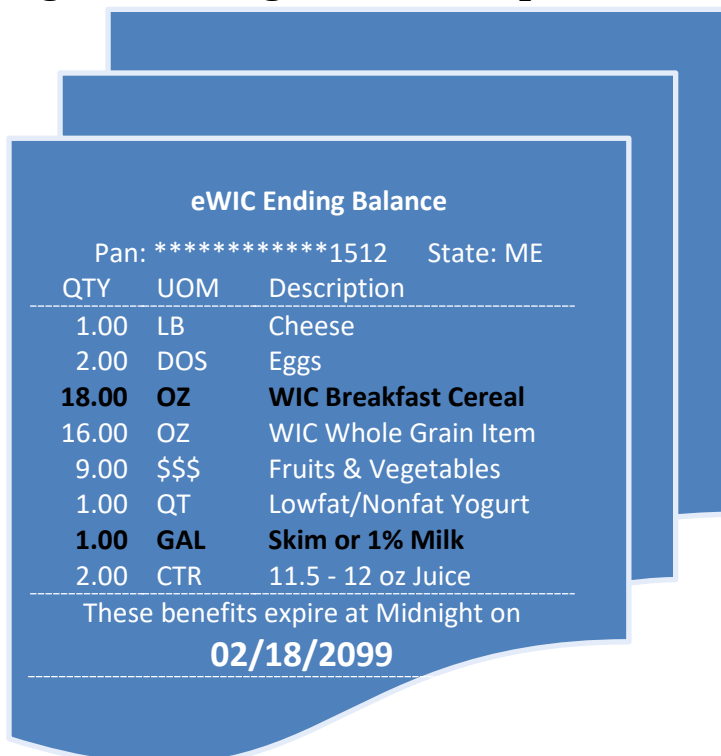


After reviewing the receipt, the customer answers the question on the PIN Pad (like a debit card). If they agree, they select “YES”. If not, they select “NO”. Choosing no cancels the transaction. Items not covered may be voided from the order or paid for with another form of payment. If the customer does not answer the question, no items will be covered. Check to see how your POS system handles this. The customer may need to slide their card and enter their PIN again to answer.

### **At the Cash Register: Ending Balance Receipt**

The third and final receipt to print signals the end of a successful eWIC transaction. If this receipt does not print, the customer did not answer “YES” to the question on the PIN Pad. This receipt lists the benefits remaining after the purchase. It also displays the date current benefits will expire. Provide this receipt to the customer.

**Figure 5: Ending Balance Receipt**



If they were performing a mixed basket transaction, they would now need to pay for the rest of the non-WIC items (or bottle deposits and/or bag fees) with another payment method.

Customers can also find benefits available on their card in other ways:

- They can call the number on the back of their card.
- They can check benefits in the WICShopper App using the My Benefits icon.
- They can ask a vendor to perform a “Balance Inquiry” function before they shop (if they do not have the WICShopper App).
- At the beginning of their benefit period, participants receive a “shopping list” from their local WIC agency which lists types of food categories included in their benefits and when their 3-month benefit period starts/stops.

## **Incentive Item Policies**

Treat the WIC customer the same as you would any other customer. Vendors are prohibited from offering incentive items solely to WIC customers. If vendors offer incentives to all customers, WIC customers must also be offered the incentive.

Coupons can be accepted during a WIC sale. Credit must be applied towards the WIC transaction. WIC customers may also scan their rewards cards.

## **Other Important WIC Sale Information**

- Only foods in the Approved Food List can be purchased with WIC benefits.
- WIC Customers should swipe their eWIC card as the first payment source in mixed cart transactions.
- WIC customers can only buy what is listed on their WIC benefits available balance. No substitutions are allowed, even if it is another WIC approved food.
- Rain checks may not be given if a WIC food item is not in stock. Customers may purchase the item later in the benefit period with their eWIC benefits.
- Sales tax cannot be applied to WIC food or formula purchases.
- Bag fees and bottle deposits - If a WIC customer purchases an item requiring a bottle deposit, the deposit must not be included in the transaction. The customer must pay the deposit with an alternate payment method. The same is true if your store charges bag fees.

- After the sale transaction is complete, allow exchange of an item for an identical item only when the original item is defective, spoiled, or has exceeded its expiration date. **Never provide a cash refund** to the customer for items purchased with WIC benefits.
- If a customer who purchased infant formula with WIC benefits wishes to exchange it for another type of formula, refer them to their WIC office to make the change.
- The benefits listed on a WIC customer's Balance Inquiry receipt, shown as FMNP (Farmers Market Nutrition Program), are only available for use with Maine Authorized Farmers during the FMNP season from 7/1 to 10/31.

## Issues at the Cash Register: Getting Help

If a cashier needs assistance with a WIC transaction, please remember to keep WIC customer information private and use discretion. **Publicly identifying a person as a WIC customer is not allowed.**

During a WIC transaction, if problems or questions arise that a manager is unable to resolve, contact the Maine WIC Program at (207) 287-3991. If this occurs when our office is closed, make the best possible decision using program materials. Contact the WIC office as soon as possible on the next working day to explain the issue and how it was resolved. If necessary, guidance on correct procedure will be provided for future issues.

## The Vendor Complaint Process

The Maine WIC program would like to know your problems, concerns, questions, and/or suggestions. Please let us know if you have problems with a WIC customer or are having trouble processing transactions. A misunderstanding may be the reason for the problem. Some customers may be new to the program or do not understand the WIC approved foods or transaction procedures. Maine WIC appreciates the efforts of vendors and their staff to assist WIC customers with their transactions.

Select feedback related to WIC by:

- Using the WICShopper app: "Rate or give feedback"

- Completing an online form: <https://ebtshopper.com/upc-requests/maine-wic-shopping-experience-clinic/>.
- Calling 1-800-437-9300 or
- Emailing [WICVendor@Maine.gov](mailto:WICVendor@Maine.gov)

## Troubleshooting Transactions

In most cases, there is little that can be done at the register to override an item that does not scan as WIC approved. In addition, items may be WIC approved, but not every customer has every food category available to them as a benefit. If an item does not scan as WIC approved and you or the WIC customer believes it should, here are some troubleshooting tips:

- **Check:** WICShopper App to see if the item is WIC approved in the app.
  - Compare it to the Balance Inquiry receipt. Do they have benefits for this item?
- **Mixed basket transactions:** eWIC does not require separation from other groceries as was the case for WIC checks. However, customers can continue to separate their purchases if needed. Examples of when they should separate:
  - Foster families: only one eWIC card can be used per transaction. Some foster families may have more than one card and will need to make separate purchases.
  - 50 Item Limit: Large purchases may cause the card to decline due to “timeout” or not being able to “find” all WIC items. Try splitting large orders.
- **Fresh Produce:** All produce must be “mapped” to your store's approved PLUs. This is frequently an issue for cutup produce that has a store generated UPC or individual fruit that comes in with a UPC on it. This is an ongoing process. Mapping produce to a similar PLU code currently on Maine WIC’s APL allows produce to be purchased in real-time rather than waiting on a new UPC to be approved and added to the APL.

At the register, if a produce item does not scan as WIC approved and the customer has benefits for it, ask if they would like it removed from the current order or replaced with a different fruit or vegetable item. Make note of the item to inform your manager or corporate office so that it may be mapped correctly. Ask if code 4469 is approved for use in your store. This is a generic WIC PLU code to designate fresh fruits and vegetables.

- **Milkfat:** Percent fat matters for both milk and yogurt. Customers must get the same type as is listed on their benefits (Balance Inquiry receipt). Example: Skim milk can be purchased with 1%/Fat Free Milk Benefits. Whole milk can only be purchased with Whole Milk Benefits. If customers have the wrong item, ask if they would like help locating the correct item to purchase.
- **Correct Package Size:** Check WICShopper App for descriptions of WIC Allowable Foods. Approved products must meet container sizes listed under each food category. Examples:
  - Peanut Butter - 15.5 oz jar is not approved. It must be a 16-18 oz jar.
  - Baby Food- 3.5 oz pouches are not approved. 4 oz tubs, jars, and pouches are if they don't have extra ingredients (e.g., spices, grains, proteins).
  - Juice - Only 64 oz containers are approved.
  - Cereal - See chart in WICShopper under allowed foods. If a customer has 36 oz of cereal available and chooses 2- 18 oz boxes, they cannot buy a third box.



<b>Register Issues</b>	<b>Solution(s)</b>
A customer does not know their PIN #	If a customer does not know their PIN, they may call the number on the back of their card to reset it. [Note: After 4 attempts (Invalid PIN message) the card will lock until midnight.]
A customer receives a “PIN Not Selected” or “Insufficient Funds” message on the PIN Pad.	The customer did not set up the card with a PIN before attempting a purchase. Have them call the number on the back of the card and follow the prompts. The card can be used after activating.  There are no benefits on the card. Ask customers to call their WIC Clinic to have benefits loaded.
A customer has an eWIC card that is damaged.	If the card reader cannot read the card, refer the customer to their WIC office to have the card replaced.
A customer states that they think food(s) should be covered by their card.	Use WICShopper App to verify if the item is WIC eligible. If it says “Not WIC item” it is not an Approved Food. Ask if they would like to pay for the item with another payment method or if they would like to remove the item from the transaction. Ask if they would like help locating the correct item.
A food scanned as “WIC eligible” in the app but is not being redeemed on the Benefit redemption receipt.	If the item scans as WIC eligible, compare the item to the Balance Inquiry receipt to see if they have benefits available for that item. If they do not have benefits left for that food category, ask if they would like to pay for item with another payment method or if they would like to remove it from their purchase.  If they do have benefits available, check to see if the item matches the category (milkfat must be same as listed on Balance Inquiry receipt, container size must be the same as authorized sizes in the Cashier Guide or Foods List in the App. If produce item has a UPC that is not mapped to “PLU,” try 4469 instead). Ask if they would like to remove the item from their order and help them to select an item that matches their benefits. If the issue is not one of those listed above, check to see how many items they are purchasing. If > 50 WIC items, then you may need to split the transaction.
A Balance Inquiry receipt printed but we cannot read the receipt or tell what benefits are available.	The Balance Inquiry should always print with the available food categories listed out even if they have used up the benefit for a category. If the receipt does not list food categories, you may have a corrupted APL issue which means customers may have trouble with the purchase. Check your server computer for an error report (independent stores) and if the APL file is current. You may need to contact your POS provider/IT dept for troubleshooting help. If you are a corporate store, call your IT department for help. If the Balance Inquiry receipt looks normal and you have verified the customer has available benefits and foods are on APL, but the foods still will not scan properly, your APL may be out of date or corrupt. In this case, call your IT/POS provider.
A customer tried to purchase WIC foods with the eWIC card but had some wrong items. We voided items from purchase and replaced them but now receive an “error” or “decline” message.	If the customer has selected the wrong item and it was replaced with a correct item of the same brand and price, some systems may perceive this as a “duplicate” to prevent fraud and will deny the transaction. Best practice is to cancel the transaction and split the WIC order. Even removing one item and scanning it separately will allow it to go through.

# Employee Training

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Vendors must be trained interactively at least once every three years. During the other two years of the authorization period, vendors must be trained as well, although it does not need to be in an interactive format. The WIC Program sends newsletters and program updates to vendors which contain information on any changes to procedures or policies, and these may be used to provide annual training.

Vendor representatives who attend interactive trainings must train all employees who may act as a cashier on how to process eWIC transactions. Newsletters that are sent out contain mandatory annual training topics that are required as well as any program updates. WIC newsletters and other program updates need to be reviewed with staff, so they are aware of changes.

## Training Log

Vendors must keep a log of all WIC trainings in a folder or binder that is easily accessible for review by State Agency staff during an onsite monitoring visit.

Vendors must keep a record of staff training including:

- Regularly scheduled interactive trainings.
- Newsletters distribution and review – WIC quarterly newsletter provide mandatory training topics to keep your WIC knowledge up to date.
- Special updates via email or vendor meetings.
- Violation Notice - If the WIC Program notifies a vendor of a violation of vendor policies found during store monitoring or compliance investigations, follow up training is recommended, or in some cases, may be required.

Appendix D contains a Training Log Form for your use.

## Vendor Resources

The Maine WIC Program has created several resources to assist vendors in their role. Some resources are listed below. To request resources, please send an email to [WICVendor@maine.gov](mailto:WICVendor@maine.gov).

### Vendor Newsletter:

- Informs vendors of new items or issues



- Provides reminders of Program requirements, rules & regulations
- To be distributed among store staff

**Materials available:**

- WIC Accepted Here (stickers)
- WIC Approved Food identifiers (magnets/stickers)
- WIC Training Guide
- WICShopper App (downloadable app)
- Maine WIC UPC Submission Tool (to request a UPC added to the APL)
- The Maine WIC website: <https://www.maine.gov/wic>

## **Vendor Agreements**

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WIC authorizes vendors for a maximum of three (3) years. Vendors sign an agreement that outlines the requirements for the vendor and confirms their intent to uphold the integrity of the WIC Program rules and policies. When a vendor signs the vendor agreement, they also agree to the sanctions defined in the Vendor Management Policies (see Vendor Sanction System Appendix E).

Copies of the Maine CDC WIC Nutrition Program Rules (Ch. 286) can be found here: <http://www.maine.gov/sos/cec/rules/10/chaps10.htm>.

All WIC Vendor Management Policies can be found on the Maine WIC website, [Maine.gov/WIC](http://Maine.gov/WIC). WIC Program Policies is listed as a Quick Link on the left side of the screen. Policies for vendors are included under Vendor Management.

Vendors are notified at least 30 days before the expiration of their vendor agreement so that they may apply for renewal. Applications for renewal are not guaranteed, and vendor agreements can be terminated for several reasons, including sanctions, which are discussed in the section below.

## **Vendor Sanction System**

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The version of *Vendor Management Policy VM-6: Vendor Sanction System, Other*

*Disqualifications, and Causes for Termination* (Revised 7/1/2024) can be found in Appendix E. It defines the actions the WIC Program will take for violations of the vendor agreement. Updates to this policy can be found on the WIC website. When federally mandated WIC sanctions must be applied to a vendor, the WIC Program must notify the Supplemental Nutrition Assistance Program (SNAP). A disqualification from either program for federally mandated sanctions may result in a vendor's disqualification from both programs.

## **Appealing an Adverse Action**

In many cases, vendors that have been sanctioned, had applications for authorization denied, or have been terminated by the WIC Program, have a right to appeal the decision through the fair hearing process. To appeal, the vendor may notify the WIC Program via phone, e-mail, or letter, or may request a hearing by directly contacting the Department of Health and Human Services Office of Administrative Hearings (207) 624-5350.

All administrative hearings are conducted in accordance with the rules contained in Regulation 10-144 CMR Chapter 1 that can be accessed here:

<http://www.maine.gov/sos/cec/rules/10/144/144c001.doc>.

For more information on a vendor's right to appeal, please review Vendor Management Policy VM-7: Administrative Review of State Agency Actions.

## **Claims Against Vendors**

If the WIC Program detects overcharges by an authorized vendor, a claim will be established against the vendor. The WIC Program will allow the vendor to justify or correct the overcharges. If satisfied with the justification or correction, the WIC Program will adjust the proposed claim accordingly. If a claim against the vendor remains following the justification or correction, the WIC Program will issue a final claim. The final claim must be paid within 30 days of issuance, or the vendor agreement will be terminated. Claims against vendors are not subject to administrative appeal.

# Record Keeping Requirements

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Vendors are required to maintain the following in their files:

- A copy of the vendor agreement.
- Inventory records for WIC products. To be considered a valid inventory record, an invoice or receipt must have:
  - The name, address, and phone number of the supplier
  - The date of purchase from the supplier
  - A transaction or invoice number
  - Quantity and description of the product provided, preferably with UPC code, which clearly identifies the product
- Handwritten receipts are not acceptable, except for direct sales of agricultural products from farmers.
- All WIC infant formula must be purchased from an authorized supplier (see Appendix B). Invoices for formula from other sources will not be considered as valid WIC inventory records.
- Records of WIC transactions and receipt of WIC funds.

**A note about receipts:** Customers must always be offered all receipts after a WIC transaction. Vendors must also keep records of their WIC transactions.

All other program-related records including but not limited to:

- WIC training materials
- WIC update letters
- WIC Vendor Newsletters
- WIC Training Logs

# Things to Report to WIC

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In addition to providing the WIC Program with any reports about incidents with participants, vendors must also report the following:

- Changes to mailing or contact information.
- Changes to banking information.
- Temporary closure of your business due to emergencies or planned

renovations.

- Changes in ownership - a change in ownership by more than 50% will result in termination of the vendor agreement. The new vendor may reapply with the new ownership information. Authorization is not guaranteed.
- A pending change in location - if notified before the change in location occurs and the business is not moving a significant distance, the WIC Program may allow the vendor to remain authorized. Failure to notify WIC will result in automatic termination of the vendor agreement.
- Business Cessation - notify the Maine WIC Program if your business is closing. They will terminate your agreement and inform WIC participants.

## **Recent Changes to WIC/Program Updates**

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### **Changes to the WIC Food Packages**

Changes to the WIC food packages were made in 2025 to offer participants more flexibility and improved nutrition. The WIC approved product list is updated on the Maine WIC website and an explanation of what is allowable in a given food category is included in the WICShopper App.

Key Updates to WIC Food Packages Include:

- Expanded milk options include cow's milk, soy, lactose-free, goat's milk, and more.
- Fruit and vegetable cash value benefits now include fresh herbs.
- New whole grain options include quinoa, bulgar, cornmeal, teff, buckwheat and other intact whole grains.
- New offerings include plant-based cheese and yogurt, alternative nut and seed butters.
- Reduced amounts of juice to better align with updated dietary guidelines.
- There are no options for frozen juice concentrate.
- An increase in the numbers of families receiving canned fish.

## Farmers Market Nutrition Program (FMNP)

The **FMNP** is a program of the USDA's Food and Nutrition Services WIC program. The focus of the program is to increase the use of fresh, unprocessed, locally grown fruits and vegetables by WIC participants. From July 1<sup>st</sup> to Oct 31<sup>st</sup>, you may notice FMNP Cash Value Benefits on customers' WIC balance inquiries. WIC customers are to redeem benefits with certified Maine WIC farmers only.

The Fruits & Vegetables – Cash Value Benefits are redeemable at both WIC authorized stores and WIC certified farmers.

## Update to WIC Minimum Stock Requirements

WIC Vendors must now carry at least three varieties of fresh vegetables. This number was increased from two varieties. Please see Appendix A for a complete list of Minimum Stock Requirements. These requirements will be updated as necessary to accommodate food package changes. Vendors will be notified if there is a change in WIC Minimum Stock Requirements.

## eWIC Practice

This scenario will help you to practice your troubleshooting skills. Use the Balance Inquiry receipt shown here and scan the UPC codes using the WICShopper App to answer each question.

Scenario: A customer has selected 3 items to purchase and sets them on the belt. You scan the items and tell them their total. They slide their eWIC card and enter their PIN. A Balance Inquiry receipt prints. The benefits redeemed slip does not print as no items match their benefits.

eWIC Beginning Balance		
Pan: *****1512		State: ME
QTY	UOM	Description
1.00	LB	Cheese
0.00	DOZ	Eggs
12.00	OZ	WIC Breakfast Cereal
0.00	OZ	WIC Whole Grain Item
9.00	\$\$\$	Fruits & Vegetables
1.00	QT	Lowfat/Nonfat Yogurt
2.00	GAL	Skim or 1% Milk
1.00	CTR	64 oz Juice
These benefits expire at Midnight on		
2/18/2099		

### Item#1: Yogurt



Using the WICShopper App, scan the UPC code for the yogurt. Now look at the Balance Inquiry receipt to determine why this item did not show up as redeemed.

- A. They **do not** have yogurt listed as a benefit
- B. They **only** have benefits available for low fat/nonfat yogurt
- C. They have used all the yogurt benefits for the month

### Item#2: Eggs



Using the WICShopper App, scan the UPC for eggs. Look at the receipt to determine why this item did not show up as redeemed:

- A. They have used all their egg benefits for the month
- B. They **do not** have eggs listed as an available benefit
- C. They only have benefits for regular eggs

### Item#3: Mixed Fruit Cup



The final item that they tried to purchase was this mixed fruit cup from the produce section. When you used WICShopper App, you see the “Not a WIC item”. Use the receipt to find out why this item did not redeem:

- A. They **do not** have any benefits left for fruits and vegetables this month
- B. The UPC has not been mapped to a recognized Produce PLU
- C. Cut up fruits and vegetables are not allowable as a WIC food.

**Question:** Now that you have determined why the items are not eligible for purchase with this eWIC card, the customer has said that she doesn't want to pay for the items out of pocket but would like to purchase WIC eligible items. Which items does she have existing benefits for that can be quickly swapped out for her?

- A. Yogurt and fruit
- B. She has no benefits for any of the categories
- C. She has benefits for all 3 categories

**Question:** What options are available today to help purchase the fruit cup? [Select all that apply]

- A. Submit the UPC to the "I Can't Buy This" icon in WICShopper App.
- B. If available in your store, use the PLU 4469 (Gen WIC Commodity) to ring up the fruit cup.
- C. Help select a different fruit if 4469 is not available.
- D. Contact your corporate office or store owner/manager to let them know to map this item to a known PLU.

**eWIC Practice Answer Key:**

**Item#1** (Yogurt)

**Answer: B.** The Yogurt brand pictured is WIC approved when scanned with WICShopper app but is a whole milk yogurt. This customer has benefits only for low-fat/nonfat yogurt.

**Item#2 (Eggs)**

**Answer: A.** The brand of eggs pictured are WIC approved when scanned with the WICShopper app. However, this customer has used all their egg benefits for this month.

**Item#3 (Fruit Cup)**

**Answer: B.** Technically, this item is not on the APL. However, a new produce UPC submitted for approval to the APL may be 1-2 months before it appears on the list. Mapping produce items to the store's existing *approved* PLU's is the quickest way to allow for most fruits and vegetables to be purchased with an eWIC card as they become available in store.

**Question:** Which items does she have benefits for that can be quickly swapped out for her?

**Answer: A.** She has benefits for low-fat yogurt and fruits/vegetables.

**Question:** What options are available today to help purchase the fruit cup?

**Answer: B & C** are the most correct answer. Try PLU 4469 if your store allows this PLU. If not, help them select an option that has been mapped. Answer A to submit to the APL through WICShopper App is not an option that will allow them to purchase today. However, it will likely be approved and added to the APL for long-term during the next monthly APL update. Answer D also will not help them purchase the item today, however, management or your corporate office should be notified when you have a fresh fruit or vegetable item that will not ring up so that the item can be properly mapped to a correct PLU to allow for purchasing with future purchases.



## **Appendix A: WIC Vendor Minimum Stocking Requirements**

# MAINE WIC PROGRAM

## WIC VENDOR MINIMUM STOCK REQUIREMENTS

### Appendix VM1-A

Vendors are strongly encouraged to stock as many varieties of WIC approved foods as possible. If possible, please make the following items available upon request: Infant meat, other infant formulas, tuna, pink salmon, sardines, tofu, whole wheat/whole grain pasta, tortillas, oatmeal, brown rice, 15-16 oz. canned beans, dry beans, lentils, or peas, soy beverage, lactose free milk, non-fat dry milk, 2% reduced fat milk, low fat and nonfat yogurt.

A WIC VENDOR MUST HAVE, AT A MINIMUM, THE FOLLOWING FOOD ITEMS IN STOCK AT ALL TIMES:

Category	Type or Brand	Quantity
Infant Formula	Similac Advance® Similac Isomil® Similac Sensitive® Similac for Spit-Up® Similac Total Comfort®	Peer A: 24 cans of Similac Peer C: 2 cans of Similac
Infant Fruits & Vegetables	2 oz or 4 oz container single or multipack or 2 packs of 2 oz net wt. 4 oz. Conventional or Organic Jars, pouches, and plastic tubs Any stage of infant fruit or vegetable or blends of fruits and/or vegetables WIC approved brands are <ul style="list-style-type: none"> <li>Beech-Nut (Classics, Naturals, Organic)</li> <li>Earth's Best Organic</li> <li>Gerber (Natural, Original, Organic)</li> <li>Happy Baby Organic</li> <li>Nature's Promise</li> <li>Once Upon A Farm</li> <li>O Organics</li> <li>Parent's Choice</li> <li>Plum Organics</li> <li>Tippy Toes (Regular, Organic)</li> </ul>	72 Units Total-  At least one variety of single or mixed fruit  AND  one variety of single or mixed vegetable
Infant Cereal	<ul style="list-style-type: none"> <li>Beech-Nut (Original, Organic)</li> <li>Earth's Best Organic</li> <li>Gerber (Original, Organic)</li> <li>Barley</li> <li>Millet Quinoa</li> <li>Multigrain</li> <li>Oatmeal</li> <li>Rice</li> <li>Whole Wheat</li> </ul>	6 Boxes/Containers
Fresh Fruits & Vegetables	Any combination of fresh fruits and vegetables except those listed in the Approved Food List as not allowed. Must carry at least 2 varieties of fresh fruits AND <b>3 (three)</b> varieties of fresh vegetables.	\$25 Retail Value OR 10 Pounds
Milk	Any brand of Whole, Low Fat (1%, ½%) or Fat Free (skim). Not Allowed: Pints, Chocolate or flavored milk, glass bottles, organic milk, raw milk, milk not from cows.	4 Gallons Whole Milk and 8 Gallons Low Fat or Fat Free Milk
Cheese	Any brand U.S. made real cheese in the types listed in the Approved Food List. Must be pre-packaged in 8 oz. 16 oz. 24 oz. and 32 oz. sizes.	5 Pounds
Eggs	Any brand and size of eggs listed in the Approved Food List 1 dozen size only.	5 Dozen
Cereal	At least 6 brands in approved sizes only. At least 3 of the 6 brands must be whole grain. See Approved Food List for allowed brands and sizes of cereal, including those that are whole grain.	12 Boxes
Bread	Any combination of 14-16 oz. of whole grain packages. See Approved Food List for allowed brands.	6 Loaves and/or Packages
Juice	At least 2 flavors in 64 oz. bottles AND At least 2 flavors in 11.5 – 12 oz. concentrate.	10 Bottles 64 oz 5 cans of 11.5-12 oz conc
Peanut Butter	Any brand (smooth, creamy, crunchy, extra crunchy) 16-18 oz. jar only. No specialty brands.	4 Jars

In the event of a disaster or emergency the federal minimum stocking (i.e., two different fruits, two different vegetables, and at least one whole grain cereal authorized by the SA) goes into effect.

See the Approved Food List to determine the specific WIC allowed brands, types and sizes.

Only those items listed on the most recent Approved Food List will be counted toward the mandatory minimum stock requirements listed above.

For questions contact us at:

Ph.: 207-287-3991 or E-mail: [WICVendor@maine.gov](mailto:WICVendor@maine.gov)

For Resources visit: [Maine.gov/WIC](http://Maine.gov/WIC)

## **Appendix B:** Authorized Infant Formula Supplier List



# **Maine CDC WIC Nutrition Program Authorized Infant Formula Supplier List Appendix VM 1-B**



**A condition of the WIC Vendor Agreement is that all formula must be purchased from a supplier on this list.**

WIC Vendors must maintain inventory records for a period of at least three years. These inventory records include inventory records showing all infant formula purchases, wholesale and retail, in the form of invoices identifying the wholesale or retail quantity and prices.

Wholesale or Retail Supplier	Address	City	State	Zip	Phone
ADUSA Distribution, LLC	1245 US Route 202	Winthrop	ME	04364	207-377-2251
Associated Grocers of New England (AGNE)	11 Cooperative Way	Pembroke	NH	03275	603-223-6710
BJ's Wholesale Club, Inc. locations	25 Research Dr	Westborough	MA	01582	774-512-7400
Bozzuto's Inc.,	275 Schoolhouse Rd	Cheshire	CT	06410	203-250-5377
C & S Wholesale Grocers	7 Corporate Dr	Keene	NH	03431	603-357-7301
Capitol Candy Co. Inc. Wholesalers	32 Burnham St	Barre	VT	05641	800-639-2224
Core-Mark	355 Maine St	Whitinsville	MA	01588	508-234-9000
Garber Brothers, Inc.	Route 139 Kay Way	Stoughton	MA	02072	800-242-0965
Hannaford /Delhaize	145 Pleasant Hill Rd	Scarborough	ME	04074	800-213-9040
HD Smith Wholesale Drug Co.	8 Marin Way	Stratham	NH	03885	866-238-9791
Market Basket, Inc. / DeMoulas	875 East St	Tewksbury	MA	01876	978-851-8000
Sam's Club, locations	2101 SE Simple Savings Drive	Bentonville	AR	72716	800-331-0085
Save a Lot Distribution Center	9822 Prosperity Ln	Williamsport	ME	21795	301-223-6623
Shaw's Wells Distribution Center	Route 109	Wells	ME	04090	207-646-9616
Wal-Mart and/or Distribution	31 Alfred Plourde Parkway	Lewiston	ME	04240	207-344-2700
Yell-O-Glow Corp	21 Arlington Street	Chelsea	MA	02150	317-394-0300

FDA-Registered Manufacturers	Address	City	State	Zip
Abbott Laboratories	3300 Stelzer Road	Columbus	OH	043219
Mead Johnson Nutrition	2400 West Lloyd Expressway	Evansville	IN	47721
Nestle Health Science	1007 US Hwy202/206, Bldg JR-2	Bridgewater	NJ	08807
Nutricia North America	77 Upper Rock Circle, Suite 303	Rockville	MD	20850
PBM Nutritionals, LLC	652 Peter Jefferson Parkway Ste 300	Charlottesville	VA	22911
Prolacta Bioscience, LLC	757 Baldwin Park Blvd	City of Industry	CA	91746
ByHeart	131 Varick Street, 11th Floor	New York	NY	10013

You may request that another formula source be considered for addition to this list. Such a request does not guarantee the supplier will be added. Call 207-287-3991 or email to [WICVendor@maine.gov](mailto:WICVendor@maine.gov).

Please include the following details:

I request the following infant formula supplier be added to the authorized supplier list.

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Maine CDC WIC Nutrition Program**

**PHONE: (207) 287-3991**

**[WICVendor@maine.gov](mailto:WICVendor@maine.gov)**

Revised: July 1, 2024

DHHSMaineWIC/Shared Documents/Vendor/Forms/VM-Appendix-1-B Infant Formula Supplier List.docx

## **Appendix C: Non-Discrimination Provisions**

## Provisions for non-discrimination:

In accordance with Federal and state law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination against certain protected classes. This notice is available in alternate formats, upon request

### 11.1 USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on 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.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

(2/8/2022)

### 11.2 Maine DHHS Nondiscrimination Notice

The Department of Health and Human Services (“DHHS”) does not discriminate on the basis of disability, race, color, sex, gender, sexual orientation, age, national origin, religious or political belief, ancestry, familial or marital status, genetic information, association, previous assertion of a claim or right, or whistleblower activity, in admission or access to, or the operation of its policies, programs, services, or activities, or in hiring or employment practices. This notice is provided as required by and in accordance with Title II of the Americans with Disabilities Act of 1990 (“ADA”); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; Section 1557 of the Affordable Care Act; the Maine Human Rights Act; Executive Order Regarding State of Maine Contracts for Services; and all other laws and regulations prohibiting such discrimination.

Questions, concerns, complaints or requests for additional information regarding the ADA and hiring or employment practices may be forwarded to the DHHS ADA/EEO Coordinators at 11 State House Station, Augusta, Maine 04333-0011; 207-287-4289 (V); 207-287-1871(V); or Maine Relay 711 (TTY). Questions, concerns, complaints or requests for additional information regarding the ADA and programs, services, or activities may be forwarded to the DHHS ADA/Civil Rights Coordinator, at 11 State House Station, Augusta, Maine 04333-0011; 207-287-3707 (V); Maine Relay 711 (TTY); or [ADA-CivilRights.DHHS@maine.gov](mailto:ADA-CivilRights.DHHS@maine.gov).

Individuals who need auxiliary aids for effective communication in program and services of DHHS are invited to make their needs and preferences known to the ADA/Civil Rights Coordinator.

## **Appendix D: WIC Vendor Training Log**

# Maine WIC Vendor Training Log

Training Log is to be maintained on store premises. Log is for all staff who process Maine WIC.

FAX: (207) 287-3993  
EMAIL: [WICVendor@maine.gov](mailto:WICVendor@maine.gov)

**Vendor #:**

**Store Name:**

**City:**

<b>Information to be trained on:</b>	<b>Date info received:</b>	<b>Name of Trainer:</b>	<b>Name of Trainee:</b>	<b>Date Training Completed:</b>	<b>Signature of trainee (indicates training completed ):</b>
Example: July Newsletter received	7/15/2099	Monty Moose	Loretta Lobster	7/20/2099	



## **Appendix E: Vendor Sanction System**

# Maine Center for Disease Control and Prevention

## WIC Nutrition Program

Effective: October 1, 2011  
Revised: July 1, 2024

Policy No. VM-6

### Vendor Management Sanction System

#### Authority

7 CFR §246.4(a)(14)(iii), §246.12(h)(3)(xviii) and (xx), and §246.12(l);  
22 MRSA §255; and  
10-144 CMR Chapter 286 § IV.G, H, I, J and K

#### Policy

1. The Maine CDC WIC Nutrition Program may initiate administrative action to disqualify or assess a civil money penalty, in lieu of disqualification, against a vendor for non-compliance on the basis of an incident of violation or a pattern of violations.
  - 1.1. An incident is defined as one isolated event at a single point in time or any single occurrence of a violation.
  - 1.2. A pattern is defined as two or more incidences of a violation, unless otherwise stated in the description of the specific violation listed below.
  - 1.3. A violation includes but is not limited to the occurrence of a violation and the intent to commit a violation.
  - 1.4. All incidents of a violation occurring during the first compliance buy visit shall constitute only one incident of that violation for the purpose of establishing a pattern of violations.
  - 1.5. The Vendor Agreement specifies that failure to meet certain of its requirements provides cause for immediate termination of the Agreement.
2. Mandatory sanctions are applied to the violations defined in 7 CFR 246.12(l). The federally-defined violations (Federal Violations) and resulting sanctions are listed in Class I and Class II below. Sanctions range from one-year to permanent disqualification from the WIC Program.
3. Patterns of state-defined violations (Class III State Violations) constitute grounds for disqualification from the Maine CDC WIC Nutrition Program. State Violations will be reported but will not be added to a mandatory federal sanction within the same compliance investigation unless a mandatory federal sanction from the same investigation is not upheld on appeal. Initial and subsequent incidents of a Class III State Violation will have the following consequences:

- 1.1.First incident- the vendor will receive a warning letter;
  - 1.2.Second incident- the vendor will be required to attend additional training;
  - 1.3.Third incident- the vendor will be required to submit a corrective action plan, including a written plan for additional training to staff;
  - 1.4.Fourth incident- the Vendor Agreement will be disqualified for one year.
2. Notwithstanding the imposition of any mandatory or state sanctions, a WIC vendor who violates any WIC rules or Program requirements as set forth in the vendor policies and procedures is also subject to potential reciprocal Supplemental Nutrition Assistance Program (SNAP) sanctions, and potential disqualification by the New Hampshire WIC Program.
  3. A vendor committing fraud or abuse of the Maine CDC WIC Nutrition Program is liable to prosecution under applicable federal, state or local laws. In addition, a claim can be established for any moneys inappropriately paid to the vendor.
  4. Except when specifically stated with Class I and II violations below, if the disqualification of the vendor would result in inadequate participant access, the State Agency shall impose a civil money penalty in lieu of disqualification or termination

## **Federal Violations**

1. CLASS I VIOLATIONS: One instance of these violations shall constitute grounds for disqualification from the Maine CDC WIC Nutrition Program for a minimum of three (3) years and up to permanent disqualification:
  - 1.1. A conviction for trafficking (buying or selling) WIC Benefits or a conviction for selling firearms, ammunition, explosives, or controlled substances in exchange for WIC Benefits. Length of disqualification – permanent.
  - 1.2. One incident of trafficking (buying or selling WIC Benefits) or selling firearms, ammunition, explosives, or controlled substances in exchange for WIC Benefits. Length of disqualification – six (6) years.
  - 1.3. One incident of the sale of alcohol, alcoholic beverages or tobacco products in exchange for WIC Benefits. Length of disqualification – three (3) years.
  - 1.4. When a vendor violates 1.2 or 1.3 above after having previously received a sanction for violation of either provision, the length of disqualification shall be doubled. Civil money penalties in lieu of disqualification also shall be doubled, up to the maximum penalty allowed under 7 CFR 246.12(l)(1)(x)(C) and described in Procedures below.
  - 1.5. When a vendor violates 1.2 or 1.3 above after having previously received two (2) or more sanctions for violation of either provision, the length of disqualification shall be doubled for that violation and all subsequent violations. Civil money penalties shall not be imposed in lieu of disqualification for third and subsequent sanctions.
2. CLASS II VIOLATIONS: These violations require a pattern of incidents to be documented before a sanction can be imposed. Unless otherwise noted, “pattern” is defined as two or more incidents of these violative behaviors described below that occur during the period the vendor is under contract.

- 2.1. Claiming reimbursement for the sale of any WIC item that exceeds the store's documented inventory of that food item for a specific period of time. Length of disqualification – three (3) years.
  - 2.1.1. This violation is typically identified through an inventory audit. An individual "incident" for this violation is defined based upon the largest quantity of the inventory item redeemed by the vendor in a single transaction, or, if the item is obtained from a wholesale distributor, by the standard case size for the item. Using infant formula for an example, if a vendor's invoices show that it purchases a specific infant formula by the case and the case contains six units of formula, the inability to show documentation for eighteen units of that specific infant formula would represent three incidents of this violation. If the vendor purchases infant formula by the individual unit and the largest number of units on a WIC Benefit redeemed by the vendor for a specific infant formula allowed 5 units, the inability of the vendor to show documentation for eighteen units of that specific infant formula would represent four incidents of this violation.
  - 2.1.2. When incidents of this violation occur for multiple WIC foods, the incidents are additive. For example, three incidents of insufficient inventory for Formula A, two incidents of insufficient inventory for Formula B, and 1 incident of insufficient inventory for Formula C would constitute six total incidents.
- 2.2. A pattern of vendor overcharges- intentionally or unintentionally charging the State more for authorized WIC foods than is permitted under the vendor agreement. For the purpose of this violation, if the overcharge is less than two dollars per WIC transaction, four incidents will be required to define a pattern. Length of disqualification – three (3) years.
- 2.3. Receiving, transacting, and/or redeeming WIC Benefits outside of authorized channels, including the use of an unauthorized retailer and/or an unauthorized person. Length of disqualification – three (3) years.
- 2.4. Charging the Maine CDC WIC Nutrition Program for WIC foods not received by the WIC customer. Length of disqualification – three (3) years.
- 2.5. Providing credit or non-food items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances, in exchange for WIC Benefits. Length of disqualification – three (3) years.
- 2.6. Providing unauthorized food items in exchange for WIC Benefits, including charging for supplemental foods provided in excess of those listed on the . For the purpose of this violation, a pattern shall be defined as four or more incidents for all foods except infant formula. Two incidents of selling the incorrect infant formula or excess infant formula will be considered a pattern. Length of disqualification – one (1) year.
- 2.7. If a vendor receives a second disqualification sanction for any violation of provisions 2.1 through 2.6 above, the length of disqualification shall be doubled. Civil money penalties in lieu of disqualification also shall be doubled, up to the maximum penalty allowed under 7 CFR 246.12(l)(1)(x)(C).

- 2.8.If a vendor receives a third or subsequent disqualification sanction for any violation of provisions 2.1 through 2.6 above, the length of disqualification shall be doubled for that violation and all subsequent violations. Civil money penalties shall not be imposed in lieu of disqualification for third and subsequent sanctions.

## **State Violations**

3. CLASS III VIOLATIONS: are state-defined and primarily administrative in nature. These violations require a pattern of incidents to be documented before a sanction can be imposed. Unless otherwise noted, “pattern” is defined as two or more incidents of these violative behaviors described below that occur within the same year. Sanctions imposed will be as described under Policy, Paragraph 3, Sections 3.1 – 3.3 of this VM-6 Vendor Sanction System.

State Violations are:

- 3.1. Contacting a WIC customer to recover funds for a WIC transaction that was not reimbursed or for which overcharges were requested.
- 3.2. Refusing to accept a valid eWIC Benefit card from a WIC customer.
- 3.3. Altering an eWIC Benefit card.
- 3.4. During a WIC transaction, providing WIC-approved food that is beyond the expiration, last sale date, or best before date imprinted on the product packaging by the product’s manufacturer.
- 3.5. Charging sales tax on a WIC purchase.
- 3.6. Accepting eWIC Benefit cards that appear to be altered.
- 3.7. Requiring a WIC customer to purchase all food listed in their WIC benefit.
- 3.8. Failing to provide a WIC customer with an itemized receipt for foods purchased with WIC benefits.
- 3.9. Failing to train all staff and store representatives who conduct cash register transactions in WIC procedures and requirements.
- 3.10. Charging WIC for Maine Bottle Bill deposits.
- 3.11. Requiring WIC participants to buy specific brands when the brands are not stipulated on the WIC Approved Food List.
- 3.12. Requiring WIC customer to make a cash purchase or a minimum purchase to transact a WIC purchase.
- 3.13. Failing to display an eWIC Accepted Here sticker on the entry to the store.
- 3.14. Failing to maintain the minimum stock of any WIC-approved foods. Any vendor in violation also will be required to correct the insufficient inventory and provide verification to the State Agency within 72 hours. (Deficiency & Corrective Actions Form) Vendor may request a waiver on certain stock requirements.
- 3.15. Failure to show the price of an WIC authorized food on the item, container, shelf or sign.
- 3.16. Advertising a non-WIC food item as a WIC-authorized food item or other improper use of the WIC logo or acronym.
- 3.17. Requiring WIC customer to show identification other than their Maine eWIC Card.
- 3.18. Failure to properly process eWIC transactions in accordance with the procedures set forth in the most recent publication of the Maine WIC Program Vendor Guidebook and any revisions or supplements issued by the Department.
- 3.19. Not allowing a split tender transaction whereby a WIC customer may purchase fruits and vegetables over the cash value benefit (CVB) amount and pay

- 3.1. remaining balance with another form of tender. eWIC card CVB for fruits and vegetables are the only WIC authorized benefit a Vendor may ask a customer to pay the difference with another form of tender.
- 3.2. Not allowing sales promotions, such as cents off coupons, and/or not honoring any and all manufacturer's promotional specials to WIC customer, but offered to other customers, and not reducing the corresponding amount from the food benefit price.
- 3.3. Providing incentive items or other free merchandise to only WIC customers and not offered to any other customers.
- 3.4. Failure to extend to WIC customers the same courtesy offered to other customers.
- 3.5. Issuing "Rain Checks" in exchange for food benefits.
- 3.6. Conducting WIC business in a way that is contrary to the health, welfare, and safety of WIC customers.
- 3.7. Failing to submit information requested by the State Agency, in the format requested, within the time specified, including, but not limited to, food price lists and food stocking information.

## **Other Disqualifications**

4. The State Agency shall disqualify a vendor that has been disqualified from SNAP. The WIC disqualification will be for the same length of time as the SNAP disqualification, and the WIC disqualification may begin at a later date than the SNAP disqualification. This disqualification is not subject to appeal.
5. The State Agency shall disqualify a vendor who has been assessed a civil money penalty for hardship in SNAP under 7 CFR §278.6. The length of disqualification shall correspond to the period for which the vendor would otherwise have been disqualified in SNAP. Such disqualification may not be imposed unless the State Agency has first determined in its sole discretion that the disqualification would not result in inadequate participant access. If the State Agency determines that inadequate participant access would result from the disqualification, then neither a disqualification nor a civil money penalty in lieu of disqualification will be imposed.
6. The State Agency shall disqualify a Maine vendor also authorized in the state of New Hampshire who has been disqualified or assessed a civil money penalty in lieu of disqualification by New Hampshire for any mandatory sanction. If the disqualification of the vendor would result in inadequate participant access, the State Agency will impose a civil money penalty in lieu of disqualification.
7. Failure to attend the required training. The Department may issue a written warning after the first incident. Termination of Contract and/or ineligibility for reauthorization.
8. Failure to provide access to store premises and/or in any manner to hinder or impede authorized WIC Program staff in the act of conducting an on-site education, monitoring, inventory audit, or investigation visit. The Department may issue a written warning after the first incident. Termination of Contract and immediate termination in the State MIS or ineligibility for reauthorization.
9. Threatening and/or verbally abusing WIC customers and/or authorized WIC Program staff in the conduct of legitimate WIC Program business. Termination of Contract and immediate termination in the State MIS.

10. Making false statements on a WIC Vendor Application, Contract, request for information, audit, etc. Termination of Contract and immediate termination in the State MIS.
11. The State Agency shall disqualify a vendor that has a suspension or loss of a license or permit to operate a food establishment issued by the Maine Department of Agriculture, Conservation and Forestry. Termination of Contract and/or immediate termination in the State MIS.
12. Vendor ceasing operation for any reason except due to temporary closure from casualty losses, natural disaster, or renovations for improvements. Termination of Contract and immediate termination in the State MIS.
13. A pattern of failing to maintain inventory records or other records the Department requires in the WIC Vendor Contract for a period of three-years after final payment has been received by the Vendor for redeemed food benefits or after all pending matters have been resolved. A pattern will be established when a Vendor fails to produce inventory records for specified WIC-authorized foods as requested by the Department corresponding to a 3- month to 36-month audit period as applicable. Termination of Contract and one-year disqualification.
14. Failure to make available to the Department, the United States Department of Agriculture, or the Comptroller General of the United States, upon request, at a reasonable time and place for inspection and audit or to provide legible copies to the Department within 21 calendar days of the date of the request, all WIC transaction information in the Vendor's possession and all Program related records, including purchase and inventory records for WIC-authorized food items for which the Vendor has claimed reimbursement from the Department. Termination of Contract and immediate termination in the State MIS.
15. Failure to purchase infant formula from licensed wholesalers, distributors and retailers as listed in the Authorized Infant Formula Supplier List. The Department may issue a written warning after the first incident. Termination of Contract and immediate termination in the State MIS or ineligibility for reauthorization.
16. Failure to immediately notify the Department when total WIC sales exceed more than 50% of total store food sales. Termination of Contract and immediate termination in the State MIS or ineligibility for reauthorization.

## **Procedures**

1. The State Agency shall determine compliance with the Vendor Agreement and the Vendor Management Policies thru the following methods:
  - 1.1. Monitoring
  - 1.2. WIC Benefit transactions
  - 1.3. Compliance buys
  - 1.4. Inventory audits
  - 1.5. SNAP reports
  - 1.6. Redemption analyses
  - 1.7. Other objective means as determined by the State Agency.
2. With the exception of an audit that reveals two or more incidents of charging the WIC Program for a specific supplemental food in excess of the store's documented inventory of that food, the State Agency shall notify the vendor in writing if it has been determined that an initial incident of a violation has occurred for which a pattern of incidents must be

established to impose a sanction. The State Agency, in its discretion and on a case by case basis, must notify the vendor before another such incident is documented, unless it determines that notifying the vendor would compromise an investigation. Such a determination will be documented in the vendor's file.

3. The State Agency shall issue written notices of sanctions for all violations for which adverse action against the vendor will be taken by the State Agency. A description of the violation, the action to be taken and the right to appeal will be included in the notice.
4. In the event that the State Agency determines that a vendor should be disqualified or terminated based upon the occurrence of violations listed above, excluding Class I Violation 1.1, the State Agency shall make a determination of participant access. If disqualification of a vendor would result in inadequate participant access and the State Agency does not authorize new WIC vendor(s) or otherwise devise a plan to meet participant access needs, the State Agency will impose a civil money penalty in lieu of disqualification or termination of the violating vendor.
  - 4.1. The State Agency, in its sole discretion (7 CFR §246.18), will determine whether the disqualification or termination of a violating vendor would result in inadequate participant access. To determine inadequate participant access, the State Agency will consider several factors that include, but are not limited to:
    - 4.1.1. Whether a WIC participant living in a town with a population of 5,000 or more people would be required to travel more than five miles one way from the disqualified vendor to the nearest authorized WIC vendor.
    - 4.1.2. Whether a WIC participant living in a town with a population of less than 5,000 people would be required to travel more than ten (10) miles one way from the disqualified vendor to the nearest authorized WIC vendor.
    - 4.1.3. The presence of physical barriers or conditions that would make normal travel to another authorized vendor difficult or impossible (e.g. an island store, poor road conditions).
  - 4.2. A participant access determination is not subject to appeal.
  - 4.3. Documentation of the participant access determination shall be placed in the vendor's file.
  - 4.4. A civil money penalty imposed by the State Agency in lieu of disqualification due to a Class I or Class II sanction will be calculated using the following formula: ten (10) percent of the average monthly redemption for the most current six (6)-month period prior to the scheduled disqualification, multiplied by the number of months of the disqualification period, not to exceed \$18,299<sup>12</sup> per violation and \$75,042<sup>1</sup> per investigation.
  - 4.5. A civil money penalty imposed by the State Agency in lieu of termination due to a Class III sanction will be calculated using the following formula: five (5) percent of the average monthly redemption for the most current six (6)-month period prior to the scheduled disqualification, multiplied by the number of months of the termination period, not to exceed \$2,000 per violation and \$5,000 per investigation.

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<sup>1</sup> The Secretary is required to adjust civil monetary penalties at least once every four years as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended.



- 4.6. Payment of a civil money penalty shall be made in a lump sum payment or by equal monthly installments due the first day of three consecutive months. All payments (either lump sum or installments) shall be made by certified checks or money orders made payable to “Treasurer, State of Maine,” and mailed to the Maine CDC WIC Nutrition Program.
- 4.7. If a vendor does not pay a civil money penalty in full within the specified time frame, the State Agency will notify the store that the balance of the payment is due within twenty (20) days or the vendor will be disqualified from the Program for the remaining balance of the original disqualification (for a period corresponding to the most serious violation in cases where a mandatory sanction included the imposition of multiple civil money penalties as a result of a single investigation).
5. The State Agency shall not accept voluntary withdrawal from the WIC Program or non-renewal of the Vendor Agreement as an alternative to disqualification for any mandatory sanction.

Maine Department of Health & Health & Human Services  
Maine Center for Disease Control and Prevention

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WIC Nutrition Program  
11 State House Station,  
Augusta, Maine 04333-0011  
Voice: (207) 287-3991 OR 1-800-437-9300  
TTY Maine Relay 711

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