# **Burgos, Alexander N**

### **Subject:**

FW: Response to Changes and Revised Rules - 10A NCAC 43D

From: Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>

**Sent:** Tuesday, November 18, 2025 7:40 AM **To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: Response to Changes and Revised Rules - 10A NCAC 43D

Thanks Seth!

### Rajeev K. Premakumar

**Deputy General Counsel** 

Office of General Counsel

NC Department of Health and Human Services

Office: 919-855-4800

Raj.Premakumar@dhhs.nc.gov

## **Burgos, Alexander N**

Subject: Attachments: FW: Response to Changes and Revised Rules - 10A NCAC 43D

Requested Changes to 10A NCAC 43D FINAL.zip;

CPHRulemakingCoordinatorDesignation-8.6.25.pdf; 0400 Form - 10A NCAC 43D .0905.docx; 0400 Form - 10A NCAC 43D .0907.docx; 0400 Form - 10A NCAC 43D .0909.docx; 0400 Form - 10A NCAC 43D .0804.docx; 0400 Form - 10A NCAC 43D .0906.docx; 0400 Form - 10A NCAC 43D .0908.docx; 0400 Form - 10A NCAC 43D .0904.docx; 0400 Form - 10A NCAC 43D .0902.docx; 0400 Form - 10A NCAC 43D .0709.docx; 0400 Form - 10A NCAC 43D .0707.docx; 0400 Form - 10A NCAC 43D .0708.docx; 0400 Form - 10A NCAC 43D .0501.docx; 0400 Form - 10A NCAC 43D .0702.docx; 0400 Form - 10A NCAC 43D .0410.docx; 0400 Form - 10A NCAC 43D .0411.docx; 0400 Form - 10A NCAC 43D .0207.docx; 0400 Form - 10A NCAC 43D .0304.docx; 0400 Form - 10A NCAC 43D .0205.docx; 0400 Form - 10A NCAC 43D .0203.docx; 0400 Form - 10A NCAC 43D .0203.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0202.docx; 0400 Form - 10A NCAC 43D .0202.docx;

.0911.docx

From: Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>

**Sent:** Sunday, November 16, 2025 6:16 PM **To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: Response to Changes and Revised Rules - 10A NCAC 43D

HI Seth,

Sorry for the Sunday evening email, but I'm OOO tomorrow, so I wanted to go ahead and get this to you. These are (I hope!) the fixes that you requested.

If there's anything further that we need to do with these rules, I'll be back on Tuesday morning to work through them.

Thanks again for your time and consideration on these rules. It's been very much appreciated!

Thanks, Raj

### Raieev K. Premakumar

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1	10A NCAC 431	O .0201 is amended as published in 39:23 NCR 1502-1516 as follows:
2		
3		SECTION .0200 - WIC PROGRAM GENERAL INFORMATION
4		
5	10A NCAC 43	D .0201 DESCRIPTION
6	The Nutrition S	Services Branch North Carolina Department of Health and Human Services, Division of Child and
7	Family Well-Bo	eing, Community Nutrition Services Section is responsible for the administration of the WIC Program
8	in North Caroli	na.
9		
10	History Note:	Authority G.S. 130A-361;7 C.F.R. 246;
11		Eff. July 1, 1981;
12		Amended Eff. October 1, 2009; December 6, 1991; November 1, 1990;
13		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
14		23, <del>2017.</del> <u>2017;</u>
15		Amended Eff. April 1, 2026.

10A NCAC 43D .0202 is amended as published in 39:23 NCR 1502-1516 as follows:

#### 10A NCAC 43D .0202 DEFINITIONS

- (a) For the purposes of this Subchapter, all definitions set forth in 7 C.F.R. Part 246.2 are hereby incorporated by reference, including subsequent amendments and editions, with the following additions and modifications:
  - (1) An "administrative appeal" is an appeal in accordance with Section .0800 of this Subchapter through which a local WIC agency, potential local WIC agency, authorized WIC vendor, or WIC vendor applicant may appeal the adverse actions listed in 7 C.F.R. 246.18(a)(1)(i), (a)(1)(ii), and (a)(3)(i).
  - (2) An "authorized store representative" includes an owner, manager, assistant manager, head cashier, or chief fiscal officer.
  - (3) An "authorized WIC vendor" is a food retailer or free-standing pharmacy that has executed a currently effective North Carolina WIC Vendor Agreement, as set forth in 7 C.F.R 246.12(h)(3).
  - (4) A "chain store" is a store that is owned or operated by a corporation, partnership, cooperative association, or other business entity that has 20 or more stores owned or operated by the business entity.
  - (5) An "Electronic Benefit Transfer (EBT) Processor" is an entity contracted by a government agency for the implementation, maintenance, and operation of the State WIC agency's WIC EBT system that acts as the agent of the State WIC agency to process and settle EBT transactions.
  - (6) "eWIC" is the term used for EBT by the North Carolina WIC Program.
  - (6)(7) A "fair hearing" is the informal dispute resolution process in Section .0900 of this Subchapter through which any individual may appeal a State or local agency action that results in a claim against the individual for repayment of the cash value of issued benefits by which the individual is not eligible or results in the individual's denial of participation or disqualification from the WIC Program, as set forth in Rule .0410 of this Subchapter. This process must be complied with prior to requesting a contested case hearing in accordance with G.S. 150B, as set forth in 7 CFR 246.9.
  - (7)(8) "First date to spend" means "first date of use" as defined in 7 C.F.R. 246.12, hereby incorporated by reference with all subsequent amendments and editions.
  - (8)(9) "FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture.
  - (9)(10) "Food benefits" are the prescribed amounts of WIC authorized foods and formulas or a fixed dollar amount prescribed to WIC customers to receive fruits and vegetables.
  - (10)(11) "Food benefit balance" means the unspent food benefits for the current month that are available to use by the cardholder.
  - (11)(12) "Free-standing pharmacy" means a pharmacy that does not operate within another retail store. Free-standing pharmacy includes free-standing pharmacies that are chain stores and free-standing pharmacies participating under a WIC corporate agreement.
  - (12)(13) "Last date to spend" means "last date of use" as defined in 7 C.F.R. 246.12, hereby incorporated by reference with all subsequent amendments and editions.

1	(13)(14) The "local WIC agency" is the local agency that enters into an agreement with the Division of Public
2	Health Division of Child and Family Well-Being to operate the Special Supplemental Nutrition
3	Program for Women, Infants Infants, and Children.
4	(14)(15) A "local WIC program plan" is a written compilation of information on the local WIC agency
5	policies concerning program operation, including administration, nutrition education, personnel
6	functions, costs and other information prepared by the local WIC agency and submitted to the
7	Nutrition Services Branch. Community Nutrition Services Section.
8	(15)(16) "New authorized WIC vendor" is an authorized WIC vendor that has been approved to accept WIC
9	for the first time and does not include vendors that have a previous WIC authorization history.
10	(16)(17) A "personal identification number" (PIN) is a numeric password selected and used by a WIC
11	participant to authenticate the participant to the EBT system.
12	(17)(18) A "point of sale terminal" (POS) is an electronic device used to process EBT card payments at
13	authorized vendor locations.
14	(18)(19) A "predominantly WIC vendor" is an "above-50-percent vendor" as defined in 7 C.F.R. 246.2.
15	(19)(20) A "product look-up (PLU) code" is an identification number placed on produce sold at authorized
16	vendor locations.
17	(20)(21) "Redeemed food benefits" means the benefits that have been used by the WIC customer.
18	(21)(22) "Redemption" is the process by which a vendor receives payment from the State agency or its
19	financial agent for food benefits transacted at that vendor location.
20	(22)(23) "Shelf price" is the price listed on the shelf for the WIC supplemental food.
21	(23)(24) "SNAP-eligible food sales" means "food sales" as defined in 7 C.F.R. 246.2, which are those foods
22	that can be purchased with Supplemental Nutrition Assistance Program ("SNAP") benefits.
23	(24)(25) The "State agency" is the Nutrition Services Branch, Women's and Children's Health Section,
24	Division of Public Health, North Carolina Department of Health and Human Services. Community
25	Nutrition Services Section, Division of Child and Family Well-Being, North Carolina Department
26	of Health and Human Services.
27	(25)(26) "Store" means a food retailer or free-standing pharmacy operating at a single, fixed location.
28	(26)(27) "Supplemental food" or "WIC supplemental food" is a food that satisfies the requirements of 10A
29	NCAC 43D .0501.
30	(27)(28) "Support costs" are clinic costs, administrative costs, and nutrition education costs.
31	(28)(29) "Transaction" is the process by which a WIC customer tenders food benefits at an authorized vendor
32	in exchange for authorized supplemental foods.
33	(29)(30) "Universal Product Code (UPC)" means an identification code printed on the packaging of WIC
34	approved foods sold at WIC authorized vendor locations.
35	(30)(31) "Vendor applicant" is a store that has submitted an application to become an authorized WIC vendor
36	but is not yet authorized.

1	<del>(31)</del> (32	2) A "vendor overcharge" is intentionally or unintentionally charging more for supplemental food
2		provided to a WIC customer than to a non-WIC customer or charging more than the current shelf
3		price for supplemental food provided to a WIC customer.
4	<del>(32)</del> (33	3) A "WIC corporate agreement" is a single WIC Vendor Agreement with a corporate entity that has
5		20 or more stores authorized as WIC vendors under the Agreement.
6	<del>(33)</del> (34	4) "WIC customer" means a WIC participant, parent, or caretaker of an infant or child participant,
7		proxy for the eligible participant, or compliance investigator who transacts food benefits at a vendor
8		in exchange for WIC supplemental food.
9	<del>(34)</del> (35	5) "WIC program" means the Special Supplemental Nutrition Program for Women, Infants, and
10		Children authorized by 42 U.S.C. 1786 of the Child Nutrition Act of 1966 as amended.
11	(b) A copy of 7	C.F.R. Part 246 is available free of charge at https://www.ecfr.gov.
12		
13	History Note:	Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42
14		U.S.C. 1786;
15		Eff. July 1, 1981;
16		Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;
17		Temporary Amendment Eff. May 17, 2000;
18		Amended Eff. April 1, 2001;
19		Temporary Amendment Eff. July 1, 2002;
20		Amended Eff. August 1, 2004;
21		Temporary Amendment Eff. July 1, 2006;
22		Amended Eff. October 1, 2017; February 1, 2013; October 1, 2009; April 1, 2007;
23		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
24		23, 2017;
25		Amended Eff. <u>April 1, 2026;</u> March 1, 2020.

1 10A NCAC 43D .0203 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0203 REFERENCES 4 (a) The State agency shall administer the WIC program in accordance with: 5 (1) 42 U.S.C. 1786; and 6 (2) 7 C.F.R. 246.1 through 246.28, United States Department of Agriculture, Food and Nutrition 7 Service, Special Supplemental Nutrition Program for Women, Infants, and Children. 8 (b) The documents listed in Paragraph (a) of this Rule are available for inspection at the Division of Public Health, 9 Women's and Children's Section, Nutrition Services Branch North Carolina Department of Health and Human 10 Services, Division of Child and Family Well Being, Community Nutrition Services Section at 5601 Six Forks Road, Raleigh, NC 27609 during regular business hours, Monday through Friday from 8:00 AM to 5:00 PM, 8:00 AM to 11 5:00 PM, and online at www.nedhhs.gov/newie. are incorporated by reference, including subsequent amendments and 12 13 editions. 7 C.F.R. 246 is available for free at https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-14 A/part-246. 42 U.S.C. 1786 is available for free at https://www.govinfo.gov/app/details/USCODE-2023title42/USCODE-2023-title42-chap13A-sec1786. 15 16 17 History Note: Authority G.S. 130A-361; 18 Eff. July 1, 1981; 19 Amended Eff. October 1, 2017; October 1, 2009; April 1, 1984; April 1, 1982; 20 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 21 23, <del>2017.</del> <u>2017;</u> 22 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0204 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0204 **CONTRACT WITH FNS** 4 (a) The Division of Public Health Department of Health and Human Services shall maintain the Federal-State Special 5 Supplemental Nutrition Program Agreement with the United States Department of Agriculture, Food and Nutrition 6 Service. 7 (b) The state agency shall prepare, submit to FNS, and maintain the North Carolina State WIC Program Plan of 8 Operations to fulfill the requirements of 7 C.F.R. 246.4. This plan is available for inspection at the state agency during 9 business hours. 10 11 History Note: Authority G.S. 130A-361; 12 Eff. July 1, 1981; 13 Amended Eff. October 1, 2009; 14 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 15 23, <del>2017.</del> <u>2017;</u>

Amended Eff. April 1, 2026.

1 10A NCAC 43D .0205 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0205 POLICIES: GUIDELINES AND MANUALS 4 (a) The state agency shall promulgate policies, guidelines and manuals to facilitate operation of the WIC Program in 5 accordance with the contract with FNS, the guidelines and instructions issued by FNS in policy letters and 6 management evaluations, and the North Carolina State WIC Program Plan of Operations and the rules contained in 7 this Subchapter. 8 (b) The policies, guidelines and manuals maintained under (a) of this Rule are available for inspection at the state 9 agency during regular business hours. hours, and online at www.ncdhhs.gov/ncwic. 10 11 History Note: Authority G.S. 130A-361; 12 Eff. July 1, 1981; 13 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 14 23, <del>2017.</del> <u>2017;</u> 15 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0207 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0207 LOCAL WIC AGENCY AGREEMENT AND BUDGET 4 (a) The state agency shall enter into an agreement and negotiate a budget with each local WIC agency in accordance 5 with 7 C.F.R. 246.6. 6 (b) The availability of budgeted support cost funds for each local WIC agency is contingent upon the availability of 7 WIC program support cost funds. 8 (c) Since local support cost funds are allocated according to the assigned number of participants to be served, in the 9 event a local WIC agency is unable to serve the assigned number of participants, the state agency shall reduce the 10 amount of support cost funds provided to the local WIC agency by a portion reflective of the level of 11 underperformance. 12 (d) The state agency shall notify the local WIC agency in writing of any reduction of support cost funds available to 13 the local WIC agency. 14 (e) When state food dollars are overexpended during a federal fiscal year, local WIC Programs that have maintained 15 an active case load in excess of their assigned number of participants shall reimburse to the state their proportionate share of the overexpenditure. 16 17 18 Authority G.S. 130A-361; History Note: 19 Eff. April 1, 1982; 20 Amended Eff. October 1, 2009; April 1, 1984; 21 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December

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23, <del>2017.</del> <u>2017;</u>

Amended Eff. April 1, 2026.

1 10A NCAC 43D .0304 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0304 **EXPANSION OF LOCAL WIC PROGRAMS** 4 Local WIC agencies that plan to increase the number of persons served shall submit a written request to the Nutrition 5 Services Section. Community Nutrition Services Section. The availability of funds and the Affirmative Action Plan 6 contained in the North Carolina State WIC Program Plan of Operation will be considered in making the decision to 7 approve or deny the request. 8 9 History Note: Authority G.S. 130A-361; 10 Eff. July 1, 1981; 11 Amended Eff. December 6, 1991; November 1, 1990; 12 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 13 23, <del>2017.</del> <u>2017;</u> 14 Amended Eff. April 1, 2026.

10A NCAC 43D .0410 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 10A NCAC 43D .0410 PARTICIPANT VIOLATIONS AND SANCTIONS (a) The State agency shall assess a claim for the full value of Program benefits that have been obtained or disposed of improperly as the result of a participant violation. "Participant violation" means those violations listed in 7 C.F.R. 246.2 which are incorporated by reference in Rule .0202 of this Subchapter. 7 C.F.R. 246.2. A claim shall not be paid by offsetting the claim against future Program benefits. (b) The following participant violations committed by a participant, parent or caretaker of an infant or child participant, or proxy shall result in a one-year disqualification of the participant from the WIC Program, except as provided in Paragraphs (c) and (d) of this Rule: (1) Exchanging food instruments, cash value vouchers or supplemental food for cash; eWIC card, benefits, or supplemental food for cash; (2) Exchanging food instruments, cash value vouchers or supplemental food eWIC card, benefits, or supplemental food for alcohol, alcoholic beverages, tobacco products, firearms, ammunition, explosives, or controlled substances as defined in incorporated by reference, including subsequent amendments and editions in 21 U.S.C. 802; (3) A claim for dual participation resulting from intentional misrepresentation; (4) Intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain Program benefits; (5) Any participant violation for which a claim of one hundred dollars (\$100.00) or more is assessed; A second or subsequent claim assessed for any participant violation, regardless of the dollar amount. (6) The second or subsequent claim does not have to be for the same participant violation as the initial claim to result in a one-year disqualification; and **(7)** Physical harm to clinic or vendor staff. (c) The one-year disqualification referenced in Paragraph (b) of this Rule shall not be imposed against the participant if a claim is assessed and full payment is made, or a repayment schedule is agreed upon within 30 days of receipt of a written demand for repayment of the claim for the improperly obtained or disposed of Program benefits. (d) The one-year disqualification referenced in Paragraph (b) of this Rule shall not be imposed against the participant if the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant. Designation of a proxy shall be approved if the proxy: (1) is at least 18 years of age; (2) presents proof of identification in the form of a government-issued photo identification card, work or school identification card, health benefits or social services program card, social security card, birth certificate, or a pay stub or utility bill no more than 60 days old;

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participant; and

has written authorization from the participant or the parent or caretaker of an infant or child

will not be serving as proxy for more than two families at the same time; and

(5)(4) will be the person who transacts the food instruments. supplemental food benefits or cash-value benefits.

- (e) Except as provided in Subparagraphs (b)(5) and (b)(6) of this Rule, the following participant violations committed by a participant, parent or caretaker of an infant or child participant, or proxy shall result in a written warning for the first violation and the assessment of a claim for the full amount of any improperly obtained or disposed of Program benefits:
  - (1) Exchanging food instruments, cash value vouchers or supplemental food eWIC card, benefits or supplemental food for credit;
  - (2) Exchanging food instruments, cash value vouchers or supplemental food eWIC card, benefits or supplemental food for non-food items, other than alcohol, alcoholic beverages, tobacco products, firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802; and
  - (3) Exchanging food instruments, eash value vouchers or supplemental food eWIC card, benefits or supplemental food for unauthorized food items, including supplemental foods in excess of those listed on the participant's food instrument. available benefit balance.

For the violations listed in this Paragraph, failure to pay a claim in full or agree to a repayment schedule within 30 days of receipt of a written demand for repayment of a claim, shall result in a 90-day disqualification of the participant, unless the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.

- (f) The occurrence of a second or subsequent participant violation listed in Paragraph (e) of this Rule shall result in a one-year disqualification of the participant and the assessment of a claim for the full amount of any improperly obtained or disposed of Program benefits. The second or subsequent violation does not have to be the same as the initial violation to result in a one-year disqualification. The one-year disqualification shall not be imposed against the participant if full payment is made, or a repayment schedule is agreed upon within 30 days of receipt of a written demand for repayment of a claim. Additionally, the one-year disqualification shall not be imposed against the participant if the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.
- (g) Threatening physical harm to or verbal abuse of clinic or vendor staff by a participant, parent or caretaker of an infant or child participant, or proxy shall result in a written warning for the first occurrence of this violation. A second occurrence within a 12-month period shall result in a 90-day disqualification of the participant, unless the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.
- (h) For any disqualification imposed under this Rule, a participant may reapply for Program participation if during the period of the disqualification full payment is made or a repayment schedule is agreed upon, or in the case of a participant who is an infant, child, or under age 18, the state or local agency approves the designation of a proxy in accordance with Paragraph (d) of this Rule.
- (i) The participant has a right to a fair hearing in accordance with Section .0900 of this Subchapter for sanctionsimposed under this Rule.

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2	History Note:	Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;
3		Eff. July 1, 1983;
4		Amended Eff. November 1, 1990;
5		Temporary Amendment Eff. July 1, 2002;
6		Amended Eff. October 1, 2009; August 1, 2004;
7		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
8		23, <del>2017.</del> <u>2017;</u>
9		Amended Eff. April 1, 2026.

10A NCAC 43D .0411 is amended as published in 39:23 NCR 1502-1516 as follows:

1 2 3

#### 10A NCAC 43D .0411 **DUAL PARTICIPATION**

- 4 (a) A WIC participant shall not participate simultaneously in one or more than one WIC clinic, or participate in the
- WIC Program and the Commodity Supplemental Food Program ("CSFP") WIC clinic during the same period of time. 5
- 6 For purposes of this Rule, to participate means certification as a in the WIC participant for the receipt of Program
- 7 receiving WIC food instruments or cash value vouchers or certification as a CSFP participant for the receipt of CSFP
- 8 food. or cash-value benefits.
- 9 (b) The state agency shall immediately terminate the participation in one of the clinics or Programs, or the
- 10 simultaneous participation in a single clinic, in accordance with 7 C.F.R. 246.7 (1) when a participant is found to be
- 11 in violation of Paragraph (a) of this Rule.
- 12 (c) In the case of dual participation resulting from intentional misrepresentation, the participant, parent or caretaker
- 13 of an infant or child participant, or proxy shall repay Program benefits improperly issued as a result of the dual
- 14 participation, and transacted, and the participant shall be disqualified from participation in both Programs or clinic(s)
- 15 WIC in accordance with 7 C.F.R. 246.7 (1) and Paragraph (b) of Rule .0410 of this Section. For purposes of this
- Paragraph, receiving WIC food instruments or eash value vouchers or cash-value benefits under two or more 16
- 17 participant identities in a single WIC clinic during the same issuance period and transacting one or more of the food
- instruments or eash-value vouchers or cash-value benefits received under two or more of the identities constitutes dual
- 19 participation based on intentional misrepresentation. Receiving WIC food instruments or cash-value vouchers or cash-
- 20 value benefits from more than one WIC clinic during the same issuance period and transacting one or more of the
- 21 food instruments or cash value vouchers or cash-value benefits received from two or more of the clinics constitutes
- 22 dual participation based on intentional misrepresentation. Additionally, receiving WIC food instruments or eash value

vouchers and CSFP food during the same time period and transacting one or more of the WIC food instruments or

24 eash value vouchers constitutes dual participation based on intentional misrepresentation.

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- 26 History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;
- 27 Temporary Adoption Eff. July 1, 2002;
- 28 Eff. July 1, 2004;
- 29 Amended Eff. October 1, 2009;
- 30 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
- 23, 2017: 2017; 31
- 32 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0501 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 SECTION .0500 - WIC PROGRAM FOOD PACKAGE 4 5 10A NCAC 43D .0501 SUPPLEMENTAL FOODS 6 (a) The foods that may be provided to WIC program participants are specified in 7-C.F.R. 246.10, 7 C.F.R. 246.10. 7 which is incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Health and Human Services, Division of Public Health, Division of Child and Family 8 9 Well Being, 5601 Six Forks Road, Raleigh, North Carolina 27609 and may be obtained from Nutrition Services the 10 Community Nutrition Services Section at no cost. 11 (b) The following exclusions from the food package have been adopted by the North Carolina WIC Program: 12 mackerel and sardines; 13 goat milk; and 14 dried fruits and vegetables. 15 (e)(b) The State agency may exclude foods other than those described in Paragraph (b) of this Rule if it determines 16 such foods to be inappropriate for provision as supplemental foods through the WIC Program as a result of their cost, 17 nutritional composition, packaging, statewide availability, participant redemption data, or promotion in a manner 18 which is contrary to the purpose of the program as contained in 7 C.F.R. 246.1. 19 20 History Note: Authority G.S. 130A-361; 7 C.F.R. 246.10; 42 U.S.C. 1786; 21 Eff. July 1, 1981; 22 Amended Eff. October 1, 1993; October 1, 1990; July 1, 1989; October 1, 1988; 23 Temporary Amendment Eff. July 1, 2002; 24 Amended Eff. October 1, 2009; August 1, 2004; 25 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 26 23, 2017; 27 Amended Eff. April 1, 2026; March 1, 2020.

1 10A NCAC 43D .0702 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0702 ISSUANCE OF FOOD BENEFITS 4 (a) Local WIC agencies shall issue WIC program food benefits to program participants in a manner which ensures 5 that participants can receive the supplemental foods that have been prescribed for them in accordance with 7-C.F.R. 6 246.10, 7 C.F.R. 246.10. which is incorporated by reference with all subsequent amendments and editions. 7 (b) Local WIC agencies shall issue food benefits and shall retain documentation of issuance. The documentation of 8 issuance shall include the dated signature of the authorized individual receiving the food benefits, as set out in 9 Subparagraph (c) of this Rule. 10 (c) Food benefits shall be issued only to the participant, the participant's parent, the participant's guardian, the 11 participant's caretaker, a proxy, or a representative of the program completing a compliance buy. 12 13 History Note: Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.10; 42 U.S.C. 1786; 14 Eff. July 1, 1981; Amended Eff. April 1, 2001; 15 16 Temporary Amendment Eff. July 1, 2002; Amended Eff. October 1, 2009; August 1, 2004; 17 18 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 19 23, 2017; Amended Eff. April 1, 2026; March 1, 2020. 20

10A NCAC 43D .0707 is amended with changes as published in 39:23 NCR 1502-1516 as follows:

#### 10A NCAC 43D .0707 VENDOR APPLICANTS

To become authorized as a WIC vendor, a vendor applicant shall comply with the following vendor selection criteria:

- (1) A vendor applicant shall complete a WIC Vendor Application, as set forth in Item (20) of this Rule, a WIC Price List, as set forth in Item (4) of this Rule, and a WIC Vendor Agreement, as set forth in 7 C.F.R. 246.12(h)(3). A vendor applicant shall submit its current highest shelf price for each WIC supplemental food listed on the WIC Price List, as set forth in Item (4) of this Rule.
- (2) A vendor applicant, at the time of application and throughout the term of authorization, shall submit all completed forms to the local WIC agency, except that a corporate entity operating under a WIC corporate agreement shall submit one completed WIC corporate agreement and the WIC Price Lists to the State agency and a separate WIC Vendor Application for each store to the local WIC agency. A corporate entity operating under a WIC corporate agreement may submit a single WIC Price List for those stores that have the same prices for WIC supplemental foods in each store, rather than submitting a separate WIC Price List for each store.
- (3) A vendor applicant shall purchase all infant formula, exempt infant formula, and WIC-eligible nutritionals directly from:
  - (a) The sources specified in 42 U.S.C 1786(h)(8)(A)(ix), 42 U.S.C 1786(h)(8)(A)(ix); which is incorporated by reference with all subsequent amendments and editions;
  - (b) Retail food stores that purchase directly from the sources referenced in Sub-item (3)(a) of this Item; or
  - (c) A source on another state's list of approved infant formula sources as verified by that state's agency.

A vendor applicant shall make available to the State or local WIC agency invoices or receipts documenting purchases of all infant formula, exempt infant formula, and WIC-eligible nutritionals. Receipts and invoices shall satisfy the requirements of Sub-items (24)(a) through (24)(c) of Rule .0708 of this Section. A vendor applicant shall not be authorized if within the last year the vendor applicant had a previous WIC Vendor Agreement terminated for failure to purchase infant formula, exempt infant formula, or WIC-eligible nutritionals from the sources specified in this Item. A vendor applicant shall not be authorized if within the last year the vendor applicant had a previous WIC Vendor Agreement terminated for providing infant formula, exempt infant formula, or WIC-eligible nutritionals to WIC customers that was not purchased from the sources specified in this Item.

(4) A vendor applicant's current highest shelf price for each WIC supplemental food listed on the WIC Price List shall not exceed the maximum price set by the State agency for each supplemental food within that vendor applicant's peer group, except as provided in Sub-item (4)(b) of this Item. The maximum price for each supplemental food shall be established as follows:

- The most recent prices submitted through the EBT system by authorized vendors within 1 (a) 2 the same peer group shall be used to determine the maximum price for each 3 supplemental food. The maximum price shall be two standard deviations above the 4 average current highest shelf price of each supplemental food within a vendor peer 5 group. The State agency shall reassess the maximum price set for each supplemental 6 food at least four times a year. 7 (b) If any of the vendor applicant's price(s) on its WIC Price List exceed the maximum 8 price(s) set by the State agency for that applicant's peer group, the State agency shall 9 send the applicant written notice. Within 30 days of the date of receipt of the written 10 notice, the vendor applicant may resubmit price(s) that it will charge the State WIC 11 Program for those foods that exceeded the maximum price(s). If none of the vendor 12 applicant's resubmitted prices exceed the maximum prices set by the State agency, the 13 vendor applicant shall be deemed to have met the requirements of Item (4) of this Rule. 14 If any of the vendor applicant's resubmitted prices still exceed the maximum prices set 15 by the State agency, or the vendor applicant does not resubmit prices within 30 days of 16 the date of receipt of the written notice, the agency shall send the applicant a written 17 notice of denial. The vendor applicant shall wait 90 days from the date of receipt of the 18 written denial to reapply for authorization. 19 (5) A vendor applicant shall pass an announced monitoring review by the local WIC agency to 20 determine whether the store has minimum inventory of supplemental foods as specified in Item 21 (17) of Rule .0708 of this Section. A vendor applicant that fails this review shall be allowed a second 22 opportunity for an unannounced monitoring review within 14 days. If the applicant fails both 23 reviews, the application shall be denied in writing and the applicant shall wait 90 days from the date 24 of the second monitoring review before submitting a new application 25
  - (6) A vendor applicant shall either attend or cause a manager or another authorized store representative to attend WIC Vendor Training provided by the local WIC agency prior to vendor authorization and ensure that the vendor applicant's employees receive instruction in WIC program procedures and requirements.

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- (7) An applicant shall mark the current shelf prices of all WIC supplemental foods on the foods or have the prices posted on the shelf or display case at all times.
- (8) The store shall be at a single, fixed location within North Carolina. The store shall be located at the address indicated on the WIC vendor application and shall be the site where WIC supplemental foods are selected by the WIC customer.
- (9) A vendor applicant shall use point of sale (POS) terminals to support the WIC Program that are deployed in accordance with the minimum lane coverage provisions of 7 C.F.R. 246.12(z)(2)(ii).
- (10) The store shall be open throughout the year for business with the public at least six days a week for at least 40 hours per week between 8:00 a.m. and 11:00 p.m.

- (11) The store shall not use the acronym "WIC" or the WIC logo, including facsimiles, in total or in part, in the official name under which the business is registered or in the name under which it does business.
- (12) A vendor applicant shall not submit false, erroneous, or misleading information in an application to become an authorized WIC vendor or in subsequent documents submitted to the state or local WIC agency. A vendor applicant shall not be authorized if within the last year the vendor applicant had a previous WIC Vendor Agreement terminated for submitting false, erroneous, or misleading information.
- (13) The owner(s), officer(s), or manager(s) of a vendor applicant shall not be employed, or have a spouse, child, or parent who is employed by the State WIC program, or the local WIC program serving the county where the vendor applicant conducts business. A vendor applicant shall not have an employee who handles or transacts WIC food benefits who is employed, or has a spouse, child, or parent who is employed by the State WIC program or the local WIC program serving the county where the vendor applicant conducts business. Such situations present a conflict of interest.
- WIC vendor authorization shall be denied if in the last six years any of the vendor applicant's current owners, officers, or managers have been convicted of or had a civil judgment entered against them for any activity indicating a lack of business integrity, including fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, and obstruction of justice, as set out in 7 C.F.R 246.12(g)(3)(ii). For purposes of this Item, "convicted" or "conviction" includes:
  - (a) a plea of guilty;

- (b) a verdict or finding of guilt by a jury, judge, magistrate, or adjudicating body, tribunal, or official, either civilian or military;
- (c) a plea of no contest, nolo contendere, or the equivalent; or
- (d) entry of a prayer for judgment continued following a conviction as defined in this Item is the same as a conviction for purposes of this Item.
- (15) A vendor applicant shall not be authorized if it is currently disqualified from the Supplemental Nutrition Assistance Program ("SNAP") NC Food and Nutrition Services (FNS) (formerly known as the Supplemental Nutrition Assistance Program ["SNAP"]) or it has been assessed a SNAP FNS/SNAP civil money penalty for hardship and the disqualification period that otherwise would have been imposed has not expired.
- (16) A vendor applicant, excluding chain stores and stores under a WIC corporate agreement that have a separate manager on site for each store, shall not have an owner who holds a financial interest in any of the following:
  - (a) a <u>SNAP FNS/SNAP</u> vendor that is disqualified from participation in <u>SNAP FNS/SNAP</u> or has been assessed a civil money penalty for hardship in lieu of disqualification and the time period during which the disqualification would have run, had a penalty not been paid, has

I		not expired; or
2		<mark>er</mark>
3		(b) another WIC vendor that is disqualified from participation in the WIC Program or has been
4		assessed a monetary or civil money penalty pursuant to G.S. 130A-22(c1), Paragraph (e)
5		or Paragraph (f) of Rule .0710 of this Section as the result of violation of Paragraphs (a)
6		or (b) of Rule .0710 of this Section and if assessed a penalty, the time during which the
7		disqualification would have run, had a penalty not been assessed, has not expired.
8		The requirements of this Item shall not be met by the transfer or conveyance of financial interest
9		during the period of disqualification. Additionally, the requirements of this Item shall not be met
10		even if such transfer or conveyance of financial interest in a SNAP FNS/SNAP vendor under Sub-
11		item (16)(a) of this Item ends the disqualification period applicable to that SNAP FNS/SNAP vendor
12		earlier than the disqualification period otherwise would have expired. The requirements of this Item
13		shall apply until the time the SNAP FNS/SNAP vendor disqualification otherwise would have
14		expired.
15	(17)	A vendor applicant, excluding free-standing pharmacies, shall have <u>SNAP FNS/SNAP</u> authorization
16		for the store as a prerequisite for WIC vendor authorization and shall provide its SNAP FNS/SNAP
17		authorization number to the State agency.
18	(18)	A vendor applicant shall not become authorized as a WIC vendor if the store has been disqualified
19		from participation in the WIC Program and the disqualification period has not expired. A vendor
20		applicant shall not be authorized as a WIC vendor if any of the vendor applicant's owner(s),
21		officer(s) or manager(s) currently has or previously had a financial interest in a WIC vendor that
22		was assessed a claim by the WIC Program and the claim has not been paid in full.
23	(19)	A vendor applicant shall enter into contract with the State WIC Program's EBT processor or a
24		certified third party processor prior to WIC authorization and comply with all requirements detailed
25		in the EBT or third party processor's Vendor Agreement.
26	(20)	A WIC Vendor Application shall include the following information:
27		(a) The store name, physical address, and hours of operation;
28		(b) The type of ownership under which the vendor operates;
29		(c) The names and contact information of owners or officers;
30		(d) Annual food sales data and percentages for the following tender types: cash, credit, debit,
31		SNAP FNS/SNAP, and WIC;
32		(e) The store's <u>SNAP FNS/SNAP</u> authorization number and history of <u>SNAP FNS/SNAP</u>
33		participation, if a retail grocery store; and
34		(f) Other information that the store is required to provide to the State agency in accordance
35		with 7 C.F.R. 246.12.
36	For a food retail	ler or free-standing pharmacy to participate in the WIC Program, a current WIC Vendor Agreement

shall be signed by the vendor, the local WIC agency, and the State agency. If an application for status as an authorized

1 WIC vendor is denied, the applicant is entitled to an administrative appeal as described in Section .0800 of this 2 Subchapter. 3 4 History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 7 C.F.R. 246.12(g)(3); 7 C.F.R. 246.12(g)(3)(ii); 7 C.F.R. 5 246.12(h)(3)(xix); 7 C.F.R. 246.12(t); 42 U.S.C. 1786; 6 Eff. February 1, 2013; 7 Amended Eff. October 1, 2017; 8 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 9 23, 2017; 10 Amended Eff. April 1, 2026; March 1, 2020.

10A NCAC 43D .0708 is amended as published in 39:23 NCR 1502-1516 as follows:

#### 10A NCAC 43D .0708 AUTHORIZED VENDORS

- 4 By signing the WIC Vendor Agreement, the vendor agrees to:
  - (1) Process WIC Program food benefits in accordance with the terms of the WIC Vendor Agreement and 42 U.S.C. 1786, 7 C.F.R. 246.1-246.28, and the rules of this Subchapter;
    - (2) Accept <u>WIC eWIC Program food</u> benefits in exchange for WIC supplemental foods. Supplemental foods are those foods that satisfy the requirements of 10A NCAC 43D .0501;
    - (3) Provide to the WIC customer with only the approved supplemental foods, fruits, and vegetables contained in the authorized product list (APL) after it has been determined that the WIC customer has an available balance on the date of the transaction. The WIC customer is not required to get all of the supplemental foods listed on his or her food benefit balance. However, a WIC customer may obtain more fruits and vegetables than the full dollar value of his or her cash-value benefit if the WIC customer pays the difference, as set forth in 7 C.F.R. 246.12(h)(3)(xi);
    - (4) Transmit only the current shelf price of all WIC-approved supplemental foods purchased in the correct sizes, quantities, and the total dollar amount of all WIC-approved supplemental foods purchased in the EBT system and shall not charge or collect sales taxes for the supplemental food provided;
    - (5) Charge no more for supplemental food provided to a WIC customer than to a non-WIC customer or no more than the current shelf price, whichever is less;
    - (6) Accept payment from the State WIC Program only up to the maximum price set by the State agency for each supplemental food within that vendor's peer group. The maximum price for each supplemental food shall be based on the maximum prices set by the State agency for each supplemental food, as described in Sub-item (4)(a) of Rule .0707 of this Section. A request for payment submitted over the maximum price allowed by the State agency will only be paid up to the maximum price for that supplemental food;
    - (7) Accept payment from the State WIC Program only up to the full dollar value of the cash-value benefit;
    - (8) Not charge the State WIC Program more than the maximum price set by the State agency under Item (4)(a) of Rule .0707 of this Section for each supplemental food within the vendor's peer group;
    - (9) Provide to WIC customers infant formula, exempt infant formula, and WIC eligible nutritionals purchased only from the sources specified in Item (3) of Rule .0707 of this Section. Providing infant formula, exempt infant formula, or WIC eligible nutritionals that <a href="https://hase.not.been.purchased">hase have</a> not been purchased from the sources specified in Item (3) of Rule .0707 of this Section shall result in termination of the WIC Vendor Agreement;
    - (10) For free-standing pharmacies, provide only exempt infant formula and WIC-eligible nutritionals;

- (11) Excluding free-standing pharmacies, redeem at least two thousand dollars (\$2,000) annually in WIC supplemental food sales. Failure to redeem at least two thousand dollars (\$2,000) annually in WIC supplemental food sales shall result in termination of the WIC Vendor Agreement. The store shall wait 180 days to reapply for authorization;
- (12) Ensure that a personal identification number (PIN) is used by the WIC customer to complete the EBT transaction in lieu of a signature;
- (13) Ensure that the WIC customer enters the PIN to initiate the EBT transaction. The vendor shall not enter the PIN for the WIC customer;
- (14) Not transact food benefits in <u>as a</u> whole or in part for cash, credit, unauthorized foods, or non-food items;
- (15) Not provide refunds or permit exchanges for authorized supplemental foods obtained with food benefits, except for exchanges of an identical authorized supplemental food when the original authorized supplemental food is defective, spoiled, or has exceeded its "sell by," "best if used by," or other date limiting the sale or use of the food. An "identical authorized supplemental food" means the exact brand, type and size as the original authorized supplemental food obtained and returned by the WIC customer;
- (16) Notify the local WIC agency of misuse (attempted or actual) of WIC Program food benefits;
- (17) Maintain a minimum inventory of supplemental foods in the store for purchase. Supplemental foods that are outside of the manufacturer's expiration date do not count towards meeting the minimum inventory requirement. Free-standing pharmacies are not required to maintain a minimum inventory of supplemental foods. The following items and sizes constitute the minimum inventory of supplemental foods for vendors:

Food Item	Food Item Type of Inventory			
	Whole fluid: gallon	2 gallons		
Milk	-and-			
	Skim/lowfat Skim/low fat fluid: gallon	6 gallons		
Cheese	1 pound package	2 packages		
Cereals	2 types: whole grain	6 packages total		
Cereais	(minimum package size 12 ounce)			
Eggs	Grade A, large, white:	2 dozen		
Eggs	1 dozen size carton			
	Single strength:			
<del>Juices</del>	48 ounce container	4 containers		
<u>Juice</u>	64 ounce container	4 containers		
	64 ounce: 2 varieties	<u>6 containers</u>		

Dried Peas and Beans	1 pound package or 4 15-16 ounce cans: 2 varieties	2 packages 2 packages or 8
Legumes		cans OR 1 package and 4
Legumes		<u>cans</u>
Peanut Butter	16 to 18 ounce container	2 containers
Tuna	5 to 6 ounce can	6 cans
Bread/Tortillas	16 to 24 ounce loaf of whole wheat/whole grain bread	2 loaves or 2 packages OR 1
Diead/Tortinas	or package of tortillas	loaf and 1 package
Rice	14 to 16 ounce package	2 packages
Rice	14 to 24 ounce package, whole grain	
Infant Cereal	8 ounce box	6 boxes
Infant Fruits and	3.5 to 4 ounce container	64 ounces
Vegetables	1 type of fruit and 1 type of vegetable	
	milk-based powder; 11.0 to 14.0 ounce	8 cans
	-and-	
Infant Formula	soy-based powder; 11.0 to 14.0 ounce	4 cans
	Brands must be the primary contract infant formulas	
Fruits	14 to 16 ounce can: 2 varieties	10 cans total
Vegetables	14 to 16 ounce can: 2 3 varieties	10 cans total
(Excludes foods in		
Dried Peas and Beans		
<u>Legumes</u> category)		

All vendors, except free-standing pharmacies, shall supply milk or soy-based infant formula in 32 ounce ready-to-feed or powder within 48 hours of request by the State or local WIC agency. Free-standing pharmacies shall only supply exempt infant formula or WIC-eligible nutritionals. Free-standing pharmacies shall supply exempt infant formula or WIC-eligible nutritionals within 48 hours of a request;

- (18) Ensure that all supplemental foods in the store for purchase are within the manufacturer's expiration date;
- (19) Permit the purchase of supplemental food without requiring other purchases;
- (20) Comply with the following EBT provisions:

(a) Sign the WIC Vendor Agreement of the EBT Processor selected by the State WIC Program or a third-party processor that has been certified according to criteria established by the EBT Processor selected by the State WIC Program. Failure by a vendor to sign and retain a WIC Vendor Agreement with the State WIC Program's EBT Processor or a third-party processor that has been certified by the State WIC Program's EBT Processor shall result in

1		termination of the WIC Vendor Agreement. Vendors shall notify the WIC Program within
2		24 hours of any periods of time during which they do not maintain an Agreement with the
3		State WIC Program's EBT Processor or a third-party processor that has been certified by
4		the State WIC Program's EBT Processor;
5	(b)	Process EBT transactions in accordance with the terms of the North Carolina WIC Vendor
6		Agreement, WIC Program State Rules, federal regulations, and statutes;
7	(c)	Maintain Point of Sale (POS) terminals used to support the WIC Program in accordance
8		with the minimum lane provisions of 7 C.F.R. 246.12(z)(2);
9	(d)	Maintain a North Carolina EBT Processor certified in-store EBT system that is available
10		for WIC redemption processing during all hours the store is open;
11	(e)	Request the North Carolina EBT Processor re-certify its in-store system if the vendor alters
12		or revises the system in any manner that impacts the EBT redemption or claims processing
13		system after initial certification is completed;
14	(f)	For vendors with integrated systems, obtain EBT card readers to support EBT transactions
15		within their store(s). The vendor shall ensure that the EBT card readers they obtain meets
16		meet all EBT and North Carolina EBT Processor requirements;
17	(g)	Require an owner, manager, or other authorized store representative to complete training
18		on WIC EBT procedures. The vendor shall ensure that all cashiers and staff are trained on
19		WIC EBT requirements, including training in the acceptance and processing of WIC EBT
20		transactions;
21	(h)	Require the WIC customer to approve the WIC transaction. Vendors shall ensure that the
22		vendor's staff does not approve the WIC transactions for WIC customers under any
23		circumstances;
24	(i)	Release supplemental food to WIC customers when the transaction has been completed to
25		include receipt of transaction approval by the EBT processing system, printing of the
26		receipt, and updated balance of the WIC customer's account;
27	(j)	Scan or manually enter Universal Product Codes (UPC) only from approved supplemental
28		foods being purchased by the WIC customer in the types, sizes, and quantities available on
29		the WIC customer's EBT account. The vendor shall not scan codes from UPC codebooks
30		or reference sheets;
31	(k)	Return any EBT card found on the vendor's property and unclaimed for 24 hours to the
32		WIC Program. The vendor shall not hold or use a WIC customer's EBT card and PIN for
33		any purpose whatsoever;
34	(1)	Connect the vendor's in-store system for each outlet covered by the WIC Vendor agreement
35		to the State's WIC EBT system at least once each 24-hour period to download
36		reconciliation files and the WIC Authorized Product UPC/Product Look-Up (PLU) list.

- (21) Attend, Attend or cause a manager or other authorized store representative to attend, annual vendor training upon notification by the local WIC agency. Failure to attend annual vendor training by September 30 of each year shall result in termination of the WIC Vendor Agreement;
- (22) Inform and train vendor's cashiers and other staff on WIC Program requirements;

- (23) Be accountable for the actions of its owners, officers, managers, agents, and employees who commit vendor violations;
- Allow monitoring and inspection by State and local WIC Program staff of the store premises and procedures to ensure compliance with the agreement and State, and federal WIC Program rules, regulations, and applicable law. This includes providing access to all program-related records, including access to all WIC food instruments and cash-value vouchers at the store; vendor records pertinent to the purchase and sale of WIC supplemental foods, including invoices, receipts, copies of purchase orders, and any other proofs of purchase; federal and state corporate and individual income tax and sales and use tax returns and all records pertinent to these returns; and books and records of all financial and business transactions. These records shall be retained by the vendor for a period of three years or until any audit pertaining to these records is resolved, whichever is later. Notwithstanding any other provision of this Rule and Rules .0707 and .0710 of this Section, failure or inability to provide these records for an inventory audit or providing false records for an inventory audit shall be deemed a violation of 7 C.F.R. 246.12(1)(1)(iii)(B) and Subparagraph (a)(1) of Rule .0710 of this Section. Invoices, receipts, purchase orders, and any other proofs of purchase for WIC supplemental foods shall include:
  - (a) the name of the seller and be prepared entirely by the seller without alteration by the vendor or on the seller's business letterhead;
  - (b) the date of purchase and the date the authorized vendor received the WIC supplemental food at the store if different from the date of purchase; and
  - (c) a description of each WIC supplemental food item purchased, including brand name, unit size, type or form, and quantity;
- (25) Maintain a record of all SNAP-eligible food sales and provide to the State agency upon request a statement of the total amount of revenue derived from SNAP-eligible food sales and written documentation to support the amount of sales claimed by the vendor, such as sales records, financial statements, reports, tax documents, or other verifiable documentation;
- (26) Submit a current completed WIC Price List when signing this agreement, and within two weeks of any written request by the State or local WIC agency;
- (27) Reimburse the State agency in full or agree to a repayment schedule with the State agency within 30 days of written notification of a claim assessed due to a vendor violation that affects payment to the vendor. Failure to reimburse the State agency in full or agree to a repayment schedule within 30 days of written notification of a claim shall result in termination of the WIC Vendor Agreement. Payment of a claim by the vendor for a vendor violation(s) shall not absolve the vendor of the

1 violation(s). The vendor shall also be subject to any vendor sanctions authorized under Rule .0710 2 of this Section for the vendor violation(s); 3 Not seek restitution from the WIC customer for reimbursement paid by the vendor to the State (28)4 agency or for WIC food benefits not paid or partially paid by the State agency. Additionally, the 5 vendor shall not charge the WIC customer for authorized supplemental foods obtained with food 6 benefits; 7 (29)Not contact a WIC customer outside the store regarding the transaction or redemption of WIC food 8 benefits; 9 (30)Notify the local WIC agency in writing at least 30 days prior to a change of ownership, change in 10 store location, cessation of operations, or withdrawal from the WIC Program. Change of ownership, 11 change in store location of more than three miles from the store's previous location, cessation of 12 operations, withdrawal from the WIC Program, or disqualification from the WIC Program shall 13 result in termination of the WIC Vendor Agreement by the State agency. Change of ownership, 14 change in store location, ceasing operations, withdrawal from the WIC Program, or nonrenewal of 15 the WIC Vendor Agreement shall not stop a disqualification period applicable to the store; 16 (31)Not discriminate on the basis of WIC participation, such as failing to offer WIC customers the same 17 courtesies, as set forth in 7 C.F.R. 246.12(h)(3)(iii), offered to other customers or requiring separate 18 WIC lines; 19 Reapply to continue to be authorized beyond the period of its current WIC Vendor Agreement. (32)20 Additionally, a store shall reapply to become authorized following the expiration of a 21 disqualification period or termination of the Agreement. In all cases, the vendor applicant is subject 22 to the vendor peer group criteria set forth in 7 CFR 246.12(g)(4), 7 CFR 246.12(h)(3), and the vendor 23 selection criteria of Rule .0707 of this Section; and 24 (33)Comply with all the requirements for vendor applicants of Items (3), (4), and (7) through (17), and 25 (19) of Rule .0707 of this Section throughout the term of authorization. The State agency may 26 reassess a vendor at any time during the vendor's period of authorization to determine compliance 27 with these requirements. The State agency shall terminate the WIC Vendor Agreement of any 28 vendor that fails to comply with Items (3), (4), (8), (9), (10), (11), (12), (13), (14), (16), (17), or (19) 29 of Rule .0707 of this Section during the vendor's period of authorization, authorization and terminate 30 the agreement of or sanction or both any vendor that fails to comply with Items (7), (15), (17), or 31 (19) of Rule .0707 of this Section during the vendor's period of authorization. 32 (34)Permit the State agency to reassess the peer group designation at any time during the vendor's 33 agreement period and place the vendor in a different peer group if upon reassessment the State 34 agency determines that the vendor is no longer in the appropriate peer group. 35 36 Authority G.S. 130A-361; 7 C.F.R. 246.12; 42 U.S.C. 1786; History Note: 37 Eff. March 1, 2013;

1	Amended Eff. October 1, 2017;
2	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. Decembe
3	23, 2017;
4	Amended Eff. April 1, 2026; March 1, 2020; July 1, 2018.

1	TUA NCAC 431	0.0709 is amended <u>with changes</u> as published in 39:23 NCR 1302-1316 as follows:
2		
3	10A NCAC 43	D .0709 LOCAL WIC AGENCY
4	By signing the	WIC Vendor Agreement, the local WIC agency agrees to the following:
5	(1)	Provide annual vendor training on WIC procedures and rules;
6	(2)	Conduct routine monitoring, as set forth in 7 C.F.R. 246.2 and 7 C.F.R. 246.12(j)(2), of the vendor's
7		performance under the agreement to ensure compliance with the agreement and state and federal
8		WIC program rules, regulations, and applicable law. A minimum of one-third of all authorized
9		vendors shall be monitored within a fiscal year (October 1 through September 30) and all vendors
10		shall be monitored at least once within three consecutive fiscal years. Any vendor shall be monitored
11		within one week of written request by the state agency;
12	(3)	Provide vendors with directions on how to access the North Carolina WIC Vendor Manual, Manual
13		online at https://www.ncdhhs.gov/wicvendorsconnection, all Vendor Manual amendments, blank
14		WIC Price Lists, and the authorized WIC vendor stamp [id] ID indicated on the signature page of
15		the WIC Vendor Agreement; and
16	(4)	Assist the vendor with questions which may arise under the agreement or through the vendor's
17		participation in the WIC Program.
18		
19	History Note:	Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;
20		Eff. February 1, 2013;
21		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
22		23, <del>2017.</del> <u>2017;</u>
23		Amended Eff. April 1, 2026.

1 10A NCAC 43D .0804 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0804 **CONTINUATION OF PARTICIPATION** 4 Except as provided in 42 U.S.C. 1786(o)(2) and 7 C.F.R. 246.18(a)(2) and (a)(3)(iii), the participation of a local WIC 5 agency or authorized WIC vendor in the WIC program may continue during an administrative appeal. Except as 6 provided in 42 U.S.C. 1786(o)(2) and 7 C.F.R. 246.18(a)(2) and (a)(3)(iii), the adverse action shall become effective 7 upon issuance of a final agency decision pursuant to G.S. 150B 36 G.S. 150B 42 G.S. 150B-42 which upholds the 8 adverse action. 9 10 Authority G.S. 130A-361; 7 C.F.R. 246.18; 42 U.S.C. 1786; History Note: 11 Eff. July 1, 1981; 12 Amended Eff. July 1, 1986; 13 Temporary Amendment Eff. July 1, 2002; 14 Amended Eff. July 1, 2004; 15 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, <del>2017.</del> <u>2017;</u> 16 17 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0902 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0902 **GENERAL CONDITIONS** 4 This Section shall be carried out in accordance with 7 C.F.R. 246.9 and G.S. 150B-22. The fair hearing 5 procedures set out in this Section establish an informal dispute resolution process which must be complied with prior 6 to making a formal appeal in accordance with G.S. 150B. 7 For the purposes of this Section, agency official shall mean the Branch Head of the Nutrition Services Branch 8 Assistant Director for the Division of Child and Family Well-Being, Community Nutrition Services Section or his or 9 her designee. 10 11 History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786; 12 Eff. July 1, 1981; 13 Amended Eff. December 6, 1991; November 1, 1990; July 1, 1987; 14 Temporary Amendment Eff. July 1, 2002; 15 Amended Eff. July 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16 23, <del>2017.</del> <u>2017;</u> 17 18 Amended Eff. April 1, 2026.

1	10A NCAC 431	D .0904 is amended as published in 39:23 NCR 1502-1516 as follows:
2		
3	10A NCAC 43	D .0904 NOTIFICATION OF THE RIGHT TO A FAIR HEARING
4	(a) Every curre	ent or potential WIC participant shall be informed by the local WIC agency of his or her right to a fair
5	hearing:	
6	(1)	in writing at the time of application;
7	(2)	in writing whenever he or she is determined ineligible;
8	(3)	in writing if disqualified due to abuse of the program;
9	(4)	in writing at the time of assessment of a claim for repayment of the cash value of improperly issued
10		Program benefits; and
11	(5)	orally or in writing at least 15 days before the expiration of each certification period.
12	(b) The conten	t of the notice of fair hearing shall include:
13	(1)	a statement of the right to a fair hearing;
14	(2)	the method by which a fair hearing may be requested, including the time limit; and
15	(3)	who may represent the individual.
16	<u>(4)</u>	the civil rights statement
17	(c) In order to	notify current and potential participants of the fair hearing process, a simplified summary of the steps
18	involved in ob	taining a fair hearing shall be posted in a visible place at every WIC site where certifications are
19	performed, <del>food</del>	linstruments eWIC benefits are issued or applications are accepted. This notification shall contain:
20	(1)	notice of right to a fair hearing;
21	(2)	a simplified explanation of the definition and purpose of a fair hearing;
22	(3)	the method by which a fair hearing may be requested, including the time limit; and
23	(4)	who may represent the individual at the fair hearing and in requesting a fair hearing.
24		
25	History Note:	Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
26		Eff. July 1, 1981;
27		Temporary Amendment Eff. July 1, 2002;
28		Amended Eff. July 1, 2004;
29		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
30		23, <del>2017.</del> <u>2017;</u>
31		Amended Eff. April 1, 2026.

1	TUA NCAC 43	D .0903	is amende	ed with changes as published in 39:23 NCR 1302-1316 as follows:		
2						
3	10A NCAC 43	D .0905	REQU	JEST FOR A FAIR HEARING		
4	a) A request fe	A request for a fair hearing is any expression that conveys a desire to present a case contesting an action that				
5	results in an inc	dividual's	denial of	participation, or disqualification from the program or a claim against an individual		
6	for repayment	of the ca	ısh value	of improperly issued Program benefits. This request may be made to any of the		
7	following:					
8	(1)	the ag	ency offic	cial;		
9	(2)	the ag	ency dire	ctor of the local WIC agency;		
10	(3)	the W	IC directo	or of the local WIC agency;		
11	(4)	any p	erson serv	ving in one of the above three roles in the absence of the agency official, agency		
12		direct	or or WIC	C director.		
13	b) If the reque	st is not 1	nade dire	ectly to the agency official, the individual receiving the request shall immediately		
14	notify the age	ncy offic	ial of the	request by telephone. email.		
15	c) All requests	shall be	documen	ted in writing.		
16	(1)	If the	original	request is made in writing, the individual receiving the request shall retain		
17		a pho	tocopy an	d send the original copy to the agency official immediately following the		
18		teleph	one call.	immediately.		
19	(2)	If a ve	erbal requ	est is received, the individual receiving the request shall document the request in		
20		writin	g, includi	ing:		
21		(A)	the ap	plicant's or participant's name;		
22		(B)	the na	me of the individual making the request:		
23			(i)	their mailing address;		
24			(ii)	telephone number; and		
25			(iii)	relation to the applicant or participant;		
26		(C)	the da	te of the request; and		
27		(D)	the car	use for the request along with the name, title, and signature of the person writing		
28			the do	cumentation.		
29	The original of	<del>copy of t</del>	<del>his docun</del>	nentation shall be sent to the official agency immediately following the telephone		
30	call with a co	<del>py being</del>	<del>retained l</del>	sy the sender.		
31	d) The reque	st for a f	air hearin	g may be made by the individual affected by the action or the individual's parent,		
32	caretaker, or a	any other	person ac	cting on his or her behalf.		
33	e) If an individual or an individual's parent, caretaker, or any other person acting on his or her behalf expresse			dual's parent, caretaker, or any other person acting on his or her behalf expresses		
34	verbally the d	esire for	a fair hea	ring to a state or local agency staff member not authorized to accept a request, that		
35	staff member	shall pro	vide assis	stance in contacting the individuals who can accept a fair hearing request.		
36	f) The reques	st for a fa	ir hearing	g must be made within 60 days from the date the applicant or participant is given		
37	notice of the action. If the notification is mailed, this time period shall begin on the date the notification was mailed					

1		
2	History Note:	Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
3		Eff. July 1, 1981;
4		Amended Eff. November 1, 1990;
5		Temporary Amendment Eff. July 1, 2002;
6		Amended Eff. July 1, 2004;
7		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
8		<i>23</i> , <del>2017.</del> <u>2017:</u>
9		Amended Eff. April 1, 2026.

1	10A NCAC 43I	0.0906 is amended with changes as published in 39:23 NCR 1502-1516 as follows:
2		
3	10A NCAC 431	D .0906 DENIAL OR DISMISSAL OF A REQUEST
4	The hearing offi	icer shall deny or dismiss a hearing if:
5	(1)	the request is not received within 60 days of the date of notification of the action;
6	(2)	the request is withdrawn in writing by the appellant or his or her their representative;
7	(3)	the request is verbally withdrawn by the appellant or the appellant's parent, caretaker, or any other
8		person acting on his or her behalf during conversation with the agency Official. Within 10 days of
9		this verbal withdrawal request the agency official shall send a letter to the appellant and the local
10		WIC agency summarizing the events which lead to the withdrawal of the request. This letter shall
11		include notification of the appellant's right to reinstate the request for a fair hearing;
12	(4)	the appellant or the appellant's parent, caretaker, or any other person acting on his or her their behalf
13		fails to appear at the scheduled hearing, unless the failure to appear was due to circumstances beyond
14		the control of the appellant or his or her their representative;
15	(5)	the request is made in reference to the tailoring of the food package; or
16	(6)	the initial action assessing a claim for the cash value of improperly issued Program benefits or
17		denying participation or disqualifying from the program has been reversed by the local WIC agency
18		or the state agency, resulting in the provision of program benefits to the appellant.
19	<u>(7)</u>	the individual has been denied participation by a previous hearing and cannot provide evidence that
20		circumstances relevant to Program eligibility have changed in such a way as to justify a hearing.
21		
22	History Note:	Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
23		Eff. July 1, 1981;
24		Amended Eff. November 1, 1990;
25		Temporary Amendment Eff. July 1, 2002;
26		Amended Eff. July 1, 2004;
27		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
28		23, <del>2017.</del> <u>2017:</u>
29		Amended Eff. April 1, 2026.

1	10A NCAC 43E	0.0907 is amended as published in 39:23 NCR 1502-1516 as follows:
2		
3	10A NCAC 43I	0.0907 CONTINUATION OF BENEFITS
4	(a) WIC program	n benefits shall be continued during the appeal of the following actions when the request for a hearing
5	is received withi	in 15 days of notification of the action:
6	(1)	disqualification from the program for abuse during a certification period; or
7	(2)	determination of ineligibility during a certification period due to eategorical ineligibility or
8		residential ineligibility; or a change in income eligibility or residential eligibility.
9	(3)	other terminations during a certification period.
10	(b) WIC progra	m benefits shall not be continued when a fair hearing is requested:
11	(1)	in any of the situations in Paragraph (a) of this Rule if the request is made more than 15 days after
12		the date of notification; or
13	<u>(2)</u>	by determination of ineligibility during a certification period due to categorical ineligibility; or
14	<del>(2)</del> (3)	by applicants who are denied benefits at the initial or subsequent determination of WIC eligibility
15		if the previous certification period has expired.
16	(c) When benef	its are continued due to a request for a fair hearing as specified above, the individual shall continue to
17	receive benefits until an adverse hearing decision is reached or the certification period expires, whichever occurs first.	
18		
19	History Note:	Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
20		Eff. July 1, 1981;
21		Temporary Amendment Eff. July 1, 2002;
22		Amended Eff. July 1, 2004;
23		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
24		<i>23</i> , <del>2017.</del> <u>2017:</u>
25		Amended Eff. April 1, 2026.

1 10A NCAC 43D .0908 is amended as published in 39:23 NCR 1502-1516 as follows:

2

#### 10A NCAC 43D .0908 NOTICE OF HEARING

- 4 (a) The local or State agency official shall notify the appellant, or his or her representative, the local WIC agency,
- 5 and the Nutrition Services Branch Community Nutrition Services Section in writing that a request for a hearing has
- 6 been received.
- 7 (b) Notice of the date, time, date, and place of the hearing shall be given to all parties at least 10 days in advance
- 8 of the hearing.
- 9 (c) The notice to the appellant, or his or her representative, shall include a stamped envelope with the return address
- of the agency official with a request that it be returned for response using the stamped envelope or by email indicating
- whether the date, time, date, and place for the hearing is satisfactory. If a response is not received at least 72 24
- hours prior to the time proposed for the hearing, it shall be assumed that the date, time, time, date, and place are
- 13 satisfactory.
- 14 (d) The notice shall contain:
- 15 (1) an explanation of the procedure for the hearing;
- 16 (2) a statement of the date, hour, time, date, place and nature of the hearing;
- 17 (3) a reference to the particular sections of the statutes and rules involved; and
- 18 (4) a statement of the factual allegations.
- 19 (e) If the appellant, or his or her representative, indicates that he or she desires another time and date, the agency
- 20 official shall set a new time and date for the hearing. The hearing shall be accessible to the appellant, or his or her
- 21 representative.
- 22 (f) The hearing shall be held within 21 days from the date the agency official receives the request.

2324

- History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
- 25 Eff. July 1, 1981;
- 26 Amended Eff. November 1, 1990;
- 27 Temporary Amendment Eff. July 1, 2002;
- 28 Amended Eff. July 1, 2004;
- 29 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
- 30 23, 2017;
- 31 Amended Eff. <u>April 1, 2026</u>; March 1, 2020.

1 10A NCAC 43D .0909 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0909 **HEARING OFFICER** 4 The Director of the Division of Public Health Division of Child and Family Well-Being shall designate a representative 5 who did not participate in taking the action under appeal to be the hearing officer. The hearing officer shall: 6 preside over the informal proceeding; (1) 7 (2) ensure that all relevant issues are considered; 8 (3) request, receive and insert into the hearing record all evidence determined necessary to reach a 9 decision; 10 (4) conduct the meeting in accordance with due process and ensure an orderly hearing; 11 (5) order, if relevant and necessary, an independent medical assessment or professional evaluation for 12 the appellant from a source mutually satisfactory to all parties to the hearing; and 13 (6) issue a decision. 14 15 Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786; History Note: 16 Eff. July 1, 1981; Amended Eff. July 1, 1995; July 1, 1987; 17 18 Temporary Amendment Eff. July 1, 2002; 19 Amended Eff. July 1, 2004; 20 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 21 23, <del>2017.</del> <u>2017;</u> 22 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0911 is amended with changes as published in 39:23 NCR 1502-1516 as follows:

2

#### 10A NCAC 43D .0911 DECISION

- 4 (a) The fair hearing decision shall be made by the hearing official and shall be based only on the oral and documentary
- 5 evidence presented at the hearing and applicable state statutes and rules, and federal laws and regulations and shall be
- 6 made a as part of the hearing record by the hearing officer.
- 7 (b) The hearing official shall notify in writing the aggrieved party, any designated representative of the aggrieved
- 8 party, the local WIC agency and the Nutrition Services Branch Community Nutrition Services Section of the decision
- 9 within 45 days from the date of the request for the hearing.
- 10 (c) If the decision is in favor of the aggrieved party and benefits were denied or discontinued, benefits shall begin
- 11 within two business days after the issuance of the decision.
- 12 (d) If the decision is in favor of the agency, as soon as administratively feasible any continued benefits shall be
- terminated as decided by the hearing official.
- 14 (e) The hearing officer shall prepare a recording of testimony and exhibits, or an official report containing the
- substance of what transpired at the hearing which, together with all papers and requests filed in the proceeding and
- the written fair hearing decision, shall constitute the exclusive hearing record.
- 17 (f) If the fair hearing results are unsatisfactory to the aggrieved party, they may petition for judicial review in Superior
- 18 Court.
- 19 (fg) The decision shall be binding on the local WIC agency.
- 20 (<u>g h</u>) All hearing records shall be retained for three years.
- 21 (h i) Upon request by any member of the public a copy of all hearing records and decisions in a form that does not
- 22 identify individuals (appellant or local agency) shall be prepared by the Nutrition Services Branch Community
- 23 <u>Nutrition Services Section</u> and be available for inspection and copying.

24

- 25 History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
- 26 Eff. July 1, 1981;
- 27 Amended Eff. December 6, 1991;
- 28 Temporary Amendment Eff. July 1, 2002;
- 29 Amended Eff. July 1, 2004;
- 30 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
- 31 *23, <del>2017.</del> <u>2017:</u>*
- 32 <u>Amended Eff. April 1, 2026.</u>

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0201 Description		
3. Action:	DEADORTION DEPENDANT DEADORTION	
<b>☐</b> ADOPTION <b>☐</b> AMENDMENT <b>☐</b> REPEAL <b>☐</b> 4. Rule exempt from RRC review?	READOPTION REPEAL through READOPTION  5 Puls outcometically subject to legislative region?	
l •	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	⊠ No	
6. Notice for Proposed Rule:		
<b>⊠</b> Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025  The requirements listed in C.S. 150R 10 1(c)(1) (5) was	e posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.	e posted on the agency's web site no later than the publication	
Adoption by Agency on: August 6, 2025		
Notice not required under G.S.:		
Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
□ Vos	☐ This Rule was part of a combined analysis.	
☐ Yes Agency submitted request for consultation on:	<b>⊠</b> State funds affected	
Consultation not required. Cite authority:	<b>□</b> Local funds affected	
consultation not required. One authority.	Substantial economic impact (≥\$1,000,000)	
⊠ No	Approved by OSBM	
A DELCC	No fiscal note required	
	ON FOR ACTION	
9A. What prompted this action? Check all that apply:  Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making	
Federal regulation / cite: 7 CFR Part 246 Other:		
9B. Explain: The United States Department of Agriculture, F	ood and Nutrition Services made updates to the federal Special	
	dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the	ne WIC program in compliance with these requirements.	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
Phone: 984-800-1117	Rayel	
E-Wan. Taj.premakamar@amis.ne.gov	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.	
Additional agency contact, if any:		
	*If this function has been delegated (reassigned) pursuant to	
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:		
	Typed Name: Raj Premakumar	
DDC AND	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY Action taken:		
RRC extended period of review:		
RRC determined substantial changes:		
Withdrawn by agency		
☐ Subject to Legislative Review ☐ Other:		
L Ould.		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0202 Definitions	
3. Action:  ☐ ADOPTION ☑ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
☐ Yes. Cite authority:	Yes. Cite authority:	
⊠ No	No No	
6. Notice for Proposed Rule:		
Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025  Notice not required under G.S.: Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> <li>☐ Approved by OSBM</li> </ul>	
⊠ No	No fiscal note required	
9A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: 42 U.S.C. 1786 Federal regulation / cite: 7 CFR Part 246  BEXPLAIM: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
Phone: 984-800-1117	Rajel	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
Diversion	*If this function has been delegated (reassigned) pursuant to	
Phone: E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:	Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:		
<ul> <li>□ RRC extended period of review:</li> <li>□ RRC determined substantial changes:</li> <li>□ Withdrawn by agency</li> <li>□ Subject to Legislative Review</li> <li>□ Other:</li> </ul>		

1. Rule-Making Agency: Commission for Public Health			
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0203 References			
3. Action:			
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION		
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?		
Yes. Cite authority:	Yes. Cite authority:		
⊠ No	No No		
6. Notice for Proposed Rule:			
Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/			
Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.  Adoption by Agency on: August 6, 2025  Notice not required under G.S.:			
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.		
<ul> <li>Yes</li> <li>Agency submitted request for consultation on:</li> <li>Consultation not required. Cite authority:</li> <li>No</li> </ul>	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> <li>☐ Approved by OSBM</li> </ul>		
	No fiscal note required		
9A. What prompted this action? Check all that apply:    Agency			
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:		
Dhono, 094 900 1117	Rayel		
Phone: 984-800-1117  E-Mail: raj.premakumar@dhhs.nc.gov  By signing. I have verified that the information contained on this			
Additional agency contact, if any:	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.		
Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.		
	Typed Name: Raj Premakumar		
	Title: Commission for Public Health Rulemaking Coordinator		
RRC AND OAH USE ONLY			
Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review Other:			

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0204 Contract with FNS		
3. Action: □ ADOPTION ⊠ AMENDMENT □ REPEAL □	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	READOPTION REPEAL through READOPTION  5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
No No	No No	
6. Notice for Proposed Rule:		
•		
Notice Required		
Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025		
	e posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.		
Adoption by Agency on: August 6, 2025		
Notice not required under G.S.:		
Adoption by Agency on: 7. Rule establishes or increases a fee? (See G.S. 12-3.1)	9 Figgal impact Charle all that apply	
7. Rule establishes of increases a fee: (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes	This Rule was part of a combined analysis.	
Agency submitted request for consultation on:	<ul> <li>         ⊠ State funds affected          ∑ Local funds affected      </li> </ul>	
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)	
	Approved by OSBM	
⊠ No	No fiscal note required	
9. REASO	ON FOR ACTION	
9A. What prompted this action? Check all that apply:		
Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786 Petition for rule-making		
Federal regulation / cite: 7 CFR Part 246  9R Explain: The United States Department of Agriculture F	☐ Other: ood and Nutrition Services made updates to the federal Special	
	dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the	ne WIC program in compliance with these requirements.	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
DI 004 000 1117	Rayel	
Phone: 984-800-1117  E-Mail: raj.premakumar@dhhs.nc.gov		
E-Wan: Taj.premakumar@dmis.nc.gov	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.	
Additional agency contact, if any:		
	*If this function has been delegated (reassigned) pursuant to	
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:		
	Typed Name: Raj Premakumar	
DDC AND	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY Action taken:		
RRC extended period of review:		
RRC determined substantial changes:		
☐ Withdrawn by agency ☐ Subject to Legislative Review		
☐ Subject to Legislative Review ☐ Other:		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0205 Policies: Guidelines and Manuals	
3. Action:		
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	⊠ No	
6. Notice for Proposed Rule:		
Notice Required Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025		
	re posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.		
Adoption by Agency on: August 6, 2025		
Notice not required under G.S.:		
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
7. Rule establishes of increases a fee. (See G.S. 12-5.1)		
☐ Yes	☐ This Rule was part of a combined analysis. ☐ State funds affected	
Agency submitted request for consultation on:	Local funds affected  Local funds affected	
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)	
⊠ No	Approved by OSBM	
N0	No fiscal note required	
	ON FOR ACTION	
9A. What prompted this action? Check all that apply:		
Agency	Legislation enacted by the General Assembly	
☐ Court order / cite: ☐ Federal statute / cite: 42 U.S.C. 1786	Cite Session Law:  Petition for rule-making	
Federal statute / cite: 42 0.5.C. 1760 Fetition for rule-making  Federal regulation / cite: 7 CFR Part 246  Other:		
	ood and Nutrition Services made updates to the federal Special	
	dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the	ne wie program in compinance with these requirements.	
10. Rulemaking Coordinator: Raj Premakumar 11. Signature of Agency Head* or Rule-making Coordinator:		
10. Kulemaking Coordinator. Raj Fremakumai	Ray el	
<b>Phone:</b> 984-800-1117	104	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
form is true and accurate to the best of my knowledge.		
Additional agency contact, if any:		
Phone:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:	G.S. 145b-10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:		
RRC determined substantial changes:		
☐ Withdrawn by agency		
☐ Subject to Legislative Review ☐ Other:		

1. Rule-Making Agency: Commission for Public Health			
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0207 Local Agency Agreement and Budget			
3. Action:	DEADORTION DEPENDANT DEADORTION		
A Dule oxympt from DDC various?	READOPTION REPEAL through READOPTION  5. Puls outpostically subject to logislative review?		
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?		
Yes. Cite authority:	Yes. Cite authority:		
⊠ No	⊠ No		
6. Notice for Proposed Rule:			
Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025			
<ul> <li>☑ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.         Adoption by Agency on: August 6, 2025         ☑ Notice not required under G.S.:     </li> </ul>			
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.		
☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> <li>☐ Approved by OSBM</li> </ul>		
⊠ No	No fiscal note required		
9A. What prompted this action? Check all that apply:    Agency			
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:		
<b>Phone:</b> 984-800-1117	Rayel		
<b>E-Mail:</b> raj.premakumar@dhhs.nc.gov	Py signing I have varified that the information contained on this		
E-Mail: raj.premakumar@dhhs.nc.gov  By signing, I have verified that the information contained on thi form is true and accurate to the best of my knowledge.  Additional agency contact, if any:			
Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.		
	Typed Name: Raj Premakumar		
Title: Commission for Public Health Rulemaking Coordinator			
RRC AND OAH USE ONLY Action taken:			
RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review Other:			

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0304 Expansion of Local WIC Programs	
3. Action:		
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	⊠ No	
6. Notice for Proposed Rule:		
<b>⊠</b> Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19 1(c)(1)-(5) were	e posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.	e posted on the agency s web site no later than the publication	
Adoption by Agency on: August 6, 2025		
☐ Notice not required under G.S.:		
Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes	☐ This Rule was part of a combined analysis.	
Agency submitted request for consultation on:	State funds affected	
Consultation not required. Cite authority:	Local funds affected	
·	Substantial economic impact (≥\$1,000,000) Approved by OSBM	
⊠ No	No fiscal note required	
9. REASO	ON FOR ACTION	
9A. What prompted this action? Check all that apply:	on to the flow	
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786 Petition for rule-making		
Federal regulation / cite: 7 CFR Part 246	U Other:	
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the		
The commission for rule frequencies in rules for the wife program in compliance with these requirements.		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
	Rayel	
Phone: 984-800-1117		
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:  form is true and accurate to the best of my knowledge.		
*If this function has been delegated (reassigned) pursuant to		
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:	G.S. 1 10D 10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:		
RRC determined substantial changes:		
☐ Withdrawn by agency		
☐ Subject to Legislative Review ☐ Other:		
L Ould.		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0410 Participation Violations and Sanctions	
3. Action:  ☐ ADOPTION ☑ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
<ul><li>☐ Yes. Cite authority:</li><li>☒ No</li></ul>	☐ Yes. Cite authority: ☑ No	
6. Notice for Proposed Rule:		
<ul> <li>Notice Required         Notice of Text published on: June 2, 2025         Link to Agency notice: https://cph.dph.ncdhhs.gov/         Hearing on: June 17, 2025         </li> <li>         The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.         Adoption by Agency on: August 6, 2025         Notice not required under G.S.:         Adoption by Agency on:     </li> </ul>		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> </ul>	
⊠ No	<ul> <li>☑ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>	
9. REASON FOR ACTION  9A. What prompted this action? Check all that apply:  Agency  Court order / cite:  Federal statute / cite: 42 U.S.C. 1786  Petition for rule-making  Federal regulation / cite: 7 CFR Part 246  Other:  9B. Explain: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
Phone: 984-800-1117 E-Mail: raj.premakumar@dhhs.nc.gov	Rayel	
Additional agency contact, if any:	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.	
Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator		
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review Other:		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0411 Dual Participation		
3. Action:  ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
No No	No No	
6. Notice for Proposed Rule:		
•		
Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025		
	re posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.	o possess on the agency of the same no inter-time the passession	
Adoption by Agency on: August 6, 2025		
☐ Notice not required under G.S.:		
Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes	☐ This Rule was part of a combined analysis.	
Agency submitted request for consultation on:	<b>∑</b> State funds affected	
Consultation not required. Cite authority:	<b>☐</b> Local funds affected	
	Substantial economic impact (≥\$1,000,000)	
⊠ No	<ul> <li>☑ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>	
0 DEASC	ON FOR ACTION	
94. What prompted this action? Check all that apply:	ON FOR ACTION	
Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786 Petition for rule-making		
Federal regulation / cite: 7 CFR Part 246	Other:	
	ood and Nutrition Services made updates to the federal Special	
	dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the	ne wic program in compilance with these requirements.	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
<b>Phone:</b> 984-800-1117	Rayel	
<b>E-Mail:</b> raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
2 1.2mm ray.promanama.@umasmorge	form is true and accurate to the best of my knowledge.	
Additional agency contact, if any:		
	*If this function has been delegated (reassigned) pursuant to	
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:		
	Typed Name: Raj Premakumar  Tidas Commission for Public Health Pulamaking Coordinator	
Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY		
RRC AND OAH USE ONLY Action taken:		
RRC extended period of review:		
RRC determined substantial changes:		
Withdrawn by agency  Subject to Logislative Regions		
☐ Subject to Legislative Review ☐ Other:		
_ <del>_</del>		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0501 WIC Program Food Package		
3. Action:		
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	⊠ No	
6. Notice for Proposed Rule:		
Notice Required Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025		
	re posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.		
Adoption by Agency on: August 6, 2025		
Notice not required under G.S.:		
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
7. Rule establishes of increases a fee. (See G.S. 12-5.1)		
☐ Yes	☐ This Rule was part of a combined analysis. ☐ State funds affected	
Agency submitted request for consultation on:	Local funds affected  Local funds affected	
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)	
⊠ No	Approved by OSBM	
N0	No fiscal note required	
	ON FOR ACTION	
9A. What prompted this action? Check all that apply:		
Agency	Legislation enacted by the General Assembly	
☐ Court order / cite: ☐ Federal statute / cite: 42 U.S.C. 1786	Cite Session Law:  Petition for rule-making	
Federal statute / cite: 42 0.5.C. 1760 Fetition for rule-making  Federal regulation / cite: 7 CFR Part 246  Other:		
	ood and Nutrition Services made updates to the federal Special	
	dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
Food Package changes are required to be implemented by Apr The Commission for Public Health has amended its rules for the	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the	ne wie program in compinance with these requirements.	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
10. Kulemaking Coordinator. Raj Fremakumai	Ray el	
<b>Phone:</b> 984-800-1117	Regent	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
	form is true and accurate to the best of my knowledge.	
Additional agency contact, if any:		
Phone:	*If this function has been delegated (reassigned) pursuant to	
E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:		
RRC extended period of review:		
☐ Withdrawn by agency		
☐ Subject to Legislative Review ☐ Other:		
L Ouici.		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0702 Issuance of Food Benefits		
3. Action:		
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	⊠ No	
6. Notice for Proposed Rule:		
<b>⊠</b> Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19 1(c)(1)-(5) were	e posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.	e posted on the agency s web site no later than the publication	
Adoption by Agency on: August 6, 2025		
☐ Notice not required under G.S.:		
Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes	☐ This Rule was part of a combined analysis.	
Agency submitted request for consultation on:	State funds affected	
Consultation not required. Cite authority:	Local funds affected	
	Substantial economic impact (≥\$1,000,000) Approved by OSBM	
⊠ No	No fiscal note required	
9. REASO	ON FOR ACTION	
9A. What prompted this action? Check all that apply:	711 TOR 11011	
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786 Petition for rule-making		
Federal regulation / cite: 7 CFR Part 246	U Other:	
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
,	Rayel	
<b>Phone:</b> 984-800-1117		
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:  form is true and accurate to the best of my knowledge.		
*If this function has been delegated (reassigned) pursuant to		
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:	G.S. 1 10D 10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:		
RRC determined substantial changes:		
☐ Withdrawn by agency		
☐ Subject to Legislative Review ☐ Other:		
LI Olio.		

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0707 Vendor Applicants
3. Action:	DEADORTION DEPEND A LIBEADORTION
A Dark annual from DDC annian 2	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
⊠ No	⊠ No
6. Notice for Proposed Rule:	
Notice Required Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025	
	re posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	response to the second
Adoption by Agency on: August 6, 2025	
☐ Notice not required under G.S.:	
Adoption by Agency on:	T
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
Yes	This Rule was part of a combined analysis.
Agency submitted request for consultation on:	State funds affected
Consultation not required. Cite authority:	Local funds affected
	Substantial economic impact (≥\$1,000,000) Approved by OSBM
⊠ No	No fiscal note required
9. REASO	ON FOR ACTION
9A. What prompted this action? Check all that apply:	on to the flow
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	☐ Other:
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
	Rayel
Phone: 984-800-1117	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.
Additional agency contact, if any.	*If this function has been delegated (reassigned) pursuant to
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	G.S. 1 10D 10(a), submit a copy of the delegation with this form.
	Typed Name: Raj Premakumar
	Title: Commission for Public Health Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken:  RRC extended period of review:	
RRC determined substantial changes:	
☐ Withdrawn by agency	
Subject to Legislative Review Other:	
L Ould.	

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0708 Authorized Vendors
3. Action:	DEADORTION DEPENDANT DEADORTION
<b>☐</b> ADOPTION <b>☐</b> AMENDMENT <b>☐</b> REPEAL <b>☐</b> 4. Rule exempt from RRC review?	READOPTION REPEAL through READOPTION  5 Puls outcometically subject to legislative region?
l •	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
⊠ No	⊠ No
6. Notice for Proposed Rule:	
<b>⊠</b> Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/	
Hearing on: June 17, 2025  The requirements listed in C.S. 150R 10 1(c)(1) (5) was	e posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	e posted on the agency's web site no later than the publication
Adoption by Agency on: August 6, 2025	
☐ Notice not required under G.S.:	
Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
Yes	☐ This Rule was part of a combined analysis.
Agency submitted request for consultation on:	<b>⊠</b> State funds affected
Consultation not required. Cite authority:	Local funds affected
consumum not required that manners,	Substantial economic impact (≥\$1,000,000)
⊠ No	<ul> <li>☑ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>
0 DEAC	
94. What prompted this action? Check all that apply:	ON FOR ACTION
Agency	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	Other:
	ood and Nutrition Services made updates to the federal Special
	dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
The Commission for Public Health has amended its rules for the	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Fuotic Health has amended its fules for the	ne wic program in compnance with these requirements.
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
10. Raicinaking Cool umator. Raj i icinakumai	Ray A
<b>Phone:</b> 984-800-1117	Reyer
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
	form is true and accurate to the best of my knowledge.
Additional agency contact, if any:	
DI .	*If this function has been delegated (reassigned) pursuant to
Phone: E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.
E-ivian.	Typed Name: Raj Premakumar
	Title: Commission for Public Health Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken:	
RRC extended period of review:	
RRC determined substantial changes:  Withdrawn by agency	
Subject to Legislative Review	
Other:	

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0709 Local WIC Agency
3. Action: □ ADOPTION ⊠ AMENDMENT □ REPEAL □	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
⊠ No	No No
6. Notice for Proposed Rule:	
Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/	
Hearing on: June 17, 2025	
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Adoption by Agency on: August 6, 2025	
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☐ Yes	State funds affected
Agency submitted request for consultation on:	☐ Local funds affected
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)
⊠ No	Approved by OSBM
	No fiscal note required
	ON FOR ACTION
9A. What prompted this action? Check all that apply:	
<ul><li>✓ Agency</li><li>☐ Court order / cite:</li></ul>	Legislation enacted by the General Assembly Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	Other:
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	eds are met based on the latest dietary guidelines. The required WIC
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The Commission for Public Health has amended its rules for the	ne WIC program in compliance with these requirements.
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Phone: 984-800-1117	Rayel
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
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	Title: Commission for Public Health Rulemaking Coordinator
RRC ANI	O OAH USE ONLY
Action taken:	
RRC extended period of review:	
RRC determined substantial changes: Withdrawn by agency	
Subject to Legislative Review	
Other:	

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0804 Continuation of Participation		
3. Action:	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	No No	
6. Notice for Proposed Rule:		
<b>☒</b> Notice Required		
Notice of Text published on: June 2, 2025		
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Notice not required under G.S.:		
Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
	☐ This Rule was part of a combined analysis.	
☐ Yes Agency submitted request for consultation on:	State funds affected	
Consultation not required. Cite authority:	<b>☐</b> Local funds affected	
	Substantial economic impact (≥\$1,000,000)	
⊠ No	<ul> <li>☑ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>	
0 DEASC	ON FOR ACTION	
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Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making	
Federal regulation / cite: 7 CFR Part 246	☐ Other:	
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NI 004 000 1117	Rayel	
Phone: 984-800-1117		
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.	
Additional agency contact, if any:	for m is true and accurate to the best of my knowledge.	
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E-Mail:		
	Typed Name: Raj Premakumar	
DDC ANI	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY Action taken:		
RRC extended period of review:		
RRC determined substantial changes:		
☐ Withdrawn by agency ☐ Subject to Legislative Review		
Other:		

2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0902 General Conditions  3. Action:    ADOPTION   AMENDMENT   REPEAL   READOPTION   REPEAL through READOPTION			
A. Action:   AMDOPTION   AMENDMENT   REPEAL   READOPTION   REPEAL through READOPTION	1. Rule-Making Agency: Commission for Public Health	1. Rule-Making Agency: Commission for Public Health	
ADDPTION	2. Rule citation & name (name not required for repeal): 10	OA NCAC 43D .0902 General Conditions	
S. Rule automatically subject to legislative review?   Yes, Cite authority:   No   No   No   No   No   No   No   N		DEADOPTION DEPEAL through DEADOPTION	
Ves. Cite authority:   Ves. Cite authority:   No   No   Notice Required   Notice for Proposed Rule:   No   Notice Required   Notice of Text published on: June 2, 2025   Link to Agency notice: https://eph.dph.nedhhs.gov/   Hearing on: June 17, 2025   The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.   Adoption by Agency on: August 6, 2025   Notice not required under G.S.:   Adoption by Agency on: August 6, 2025   Notice not required under G.S.:   Section   Notice not required under G.S.:   Section   This Rule was part of a combined analysis.   State funds affected   Notice not required.   Section   Section   Notice not required.			
Notice of Proposed Rule:  Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025  The requirements listed in G.S. 150H-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025 Notice not required under G.S.: Adoption by Agency on: August 6, 2025 Notice not required under G.S.: Adoption by Agency on: 7. Rule establishes or increases a fee? (See G.S. 12-3.1)  Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  No  9. REASON FOR ACTION  9. Pederal statute / cite: 42 U.S.C. 1786  Federal regulation / cite: 7 CFR Part 246  9. Explain: The United States Department of Agriculture, Food and Nutrition Foreign for Women. Infants and Chifdren (WC) Food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  10. Rulemaking Coordinator: Raj Premakumar  Phone: 84-800-1117  E-Mail:  11. Signature of Agency Head* or Rule-making Coordinator:  **Yeped Name: Raj Premakumar (of this form is true and accurate to the best of my knowledge.  **If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form:  Typed Name: Raj Premakumar  Titlie: Commission for Public Health Rulemaking Coordinator:  **RRC AND OAH USE ONLY**  **Action taken:  RRC extended period of review:  RRC determined substantial changes:  **Withdrawn by agency**  **Subject to Legislative Review**	l •		
6. Notice for Proposed Rule:  Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://eph.pdp.hncdhhs.gov/ Hearing on: June 17, 2025  The requirements listed in G.S. 150R-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025 Notice not required under G.S.: Adoption by Agency on: 7. Rule establishes or increases a fee? (See G.S. 12-3.1) Yes Agency submitted request for consultation on: Consultation not required. Cite authority: No  P. REASON FOR ACTION  9. Legislation enacted by the General Assembly Cite Session Law: Petition for rule-making Other: Petition for rule-making Other: Potential For Full-midd States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to sovid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  10. Rulemaking Coordinator: Raj Premakumar Phone: 984-800-1117  E-Mail: raj premakumar@dhhs.ne.gov  Additional agency contact, if any:  Phone: 984-800-117  RRC AND OAH USE ONLY  Action taken: RRC extended period of review: RRC determined substantial changes: Withdrawn by agency Sabject to Legislative Review		1 <u> </u>	
Notice Required Notice of Text published on: June 2, 2025   Link to Agency notice: https://cph.dph.ncdhhs.gov/   Hearing on: June 17, 2025   The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.   Adoption by Agency on: August 6, 2025   Notice not required under G.S.: Adoption by Agency on:   7. Rule establishes or increases a fee? (See G.S. 12-3.1)			
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Notice not required under G.S.:     Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)       Yes     Agency submitted request for consultation on:     Consultation not required. Cite authority:       Initial Received	date of the notice of text in the N.C. Register.		
Adoption by Ågency on:   7. Rule establishes or increases a fee? (See G.S. 12-3.1)   S. Fiscal impact. Check all that apply.			
7. Rule establishes or increases a fee? (See G.S. 12-3.1)  □ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: □ No  □ No  □ REASON FOR ACTION  9. REASON FOR ACTION  1. Legislation enacted by the General Assembly Cite Session Law: □ Federal statute / cite: 42 U.S.C. 1786 □ Petition for rule-making □ Other: □ Federal regulation / cite: 7 CFR Part 246 □ Other: □ Separation of the Public States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dictary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  □ RRC extended period of review: □ RRC determined substantial changes: □ Withdrawn by agency □ Subject to Legislative Review	l <del></del>		
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Substantial economic impact (≥\$1,000,000)  Approved by OSBM No fiscal note required  9. REASON FOR ACTION  9A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: 42 U.S.C. 1786 Federal regulation / cite: 7 CFR Part 246  9B. Explain: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  10. Rulemaking Coordinator: Raj Premakumar Phone: 984-800-1117  E-Mail: raj.premakumar@dhhs.nc.gov  Additional agency contact, if any:  Phone: 6.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  Action taken:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review	Agency submitted request for consultation on:		
Approved by OSBM	Consultation not required. Cite authority:		
9. REASON FOR ACTION  9A. What prompted this action? Check all that apply:    Agency			
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Court order / cite:	9A. What prompted this action? Check all that apply:		
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Sederal regulation / cite: 7 CFR Part 246	l =		
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Phone: 984-800-1117  E-Mail: raj.premakumar@dhhs.nc.gov  Additional agency contact, if any:  Phone: E-Mail:  Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency  Subject to Legislative Review	The Commission for Public Health has amended its rules for the	he WIC program in compliance with these requirements.	
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*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  Action taken:  RRC extended period of review: RRC determined substantial changes: Withdrawn by agency Subject to Legislative Review	Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
Phone: E-Mail:  Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  Action taken:  RRC extended period of review: RRC determined substantial changes: Withdrawn by agency Subject to Legislative Review		*If this function has been delegated (reassigned) pursuant to	
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RRC AND OAH USE ONLY  Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review			
Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review	DDC AND		
☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review			
<ul> <li>□ RRC determined substantial changes:</li> <li>□ Withdrawn by agency</li> <li>□ Subject to Legislative Review</li> </ul>			
Subject to Legislative Review	RRC determined substantial changes:		
Other:	Subject to Legislative Review  Other:		

3. Action:	1. Rule-Making Agency: Commission for Public Health	
ADDPTION	2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0904 Notification of the Right to a Fair Hearing
Ves. Cite authority:   Ves. Cite authority:   No   No   Notice Required   Notice for Proposed Rule:   No   Notice Required   Notice of Text published on: June 2, 2025   Link to Agency notice: https://cph.dph.ncdhhs.gov/   Hearing on: June 17, 2025   The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: Adupsto 6, 2025   Notice not required under G.S.: Adoption by Agency on: Adupsto 10 by Agency on: Agency submitted request for consultation on: Consultation not required. Cite authority:   State funds affected   Local funds affected   Substantial economic impact (≥\$1,000,000)   Approved by OSBM   No fiscal note required   Local funds affected   Substantial economic impact (≥\$1,000,000)   Approved by OSBM   No fiscal note required   Legislation enacted by the General Assembly   Cite Session Law:   Legislation enacted by the General Assembly   Cite Session Law:   Petition for rule-making   Other:   Petition for rule-making   Petition for rule-	☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐	
No   No   No   No   No   No   No   No	l •	
6. Notice for Proposed Rule:  Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.nochhs.gov/ Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025  Notice not required under G.S.: Adoption by Agency on: August 6, 2025  Notice not required under G.S.: Adoption by Agency on: August 6, 2025  Notice not required. Cite authority:  Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  No  9. REASON FOR ACTION  9. REASON FOR ACTION  9. Agency  Gourt order / cite: Peteral statute / cite: 42 U.S.C. 1786 Peteral statute / cite: 42 U.S.C	·	1 <u> </u>
Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://eph.dph.ncdhhs.gov/ Hearing on: June 17, 2025 The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025 Notice not required under G.S.: Adoption by Agency on: State funds affected  □ Substantial economic impact (≥\$1,000,000) □ No □ State funds affected □ Substantial economic impact (≥\$1,000,000) □ No fiscal note required □ Court order / cite: Substantial economic impact (≥\$1,000,000) □ No fiscal note required □ Substantial economic impact (≥\$1,000,000) □ No fiscal note required □ Court order / cite: □ Egislation enacted by the General Assembly Cite Session Law: □ Petition for rule-making □ Court order / cite: □ CFR Part 246 □ P. Explain: The United States Department of Agriculture, Food and Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  10. Rulemaking Coordinator: Raj Premakumar Phone: 984-800-1117 E-Mail: raj premakumar@dhbs.ne.gov  Additional agency contact, if any:    Note		⊠ No
Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025  The requirements listed in G.S. 150R-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025 Notice not required under G.S.: Adoption by Agency on: 7. Rule establishes or increases a fee? (See G.S. 12-3.1)  Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  No  9. REASON FOR ACTION  1. Legislation enacted by the General Assembly Cite Session Law: Cite Session	6. Notice for Proposed Rule:	
Link to Agency notice: https://cph.dph.nedhhs.gov/ Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025  Notice not required under G.S.: Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)    Yes		
Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19.1(e)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025 Notice not required under G.S.; Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)  8. Fiscal impact. Check all that apply.  This Rule was part of a combined analysis.  State funds affected Substantial ceonomic impact (≥\$1,000,000)  Approved by OSBM No Security of Secu		
The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.		
date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025   Notice not required under G.S.: Adoption by Agency on: 7. Rule establishes or increases a fee? (See G.S. 12-3.1)   Yes		e nosted on the agency's Web site no later than the publication
Adoption by Agency on: August 6, 2025  Notice not required under G.S.: Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)  Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  No  9. REASON FOR ACTION  9. REASON FOR ACTION  9. REASON FOR ACTION  Curt order / cite: Federal statute / cite: 42 U.S.C. 1786 Federal statute / cite: 42 U.S.C. 1786 Federal regulation / cite: 7 CFR Part 246  9B. Explain: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  10. Rulemaking Coordinator: Raj Premakumar  Phone: 984-800-1117 E-Mail: 17 E-Mail: 17 E-Mail: 17 E-Mail: 18 Premakumar 2		e posted on the agency's web site no later than the publication
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)  Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  No  PREASON FOR ACTION  9. REASON FOR ACTION  1. Legislation enacted by the General Assembly Cite Session Law: Petition for rule-making  Other:  9. REASON FOR ACTION  9. REASON FOR ACTION  1. Legislation enacted by the General Assembly Cite Session Law: Petition for rule-making Other: Petition for rule-making Other:  9. REASON FOR ACTION  1. Legislation enacted by the General Assembly Cite Session Law: Petition for rule-making Other: Petition for rule-making and buttrition Perices made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dictary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  10. Rulemaking Coordinator: Raj Premakumar Phone:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)    Yes     Agency submitted request for consultation on:   Consultation not required. Cite authority:	<u>-</u>	
Yes   Agency submitted request for consultation on: Consultation not required. Cite authority:   State funds affected   Local funds af		
Agency submitted request for consultation on: Consultation not required. Cite authority:  No    State funds affected   Local funds affected   Substantial economic impact (≥\$1,000,000)   Approved by OSBM   No fiscal note required	7. Rule establishes or increases a fee? (See G.S. 12-3.1)	
Agency submitted request for consultation on:  Consultation not required. Cite authority:    Substantial economic impact (≥\$1,000,000)	☐ Yes	
Substantial economic impact (≥\$1,000,000)  Approved by OSBM No fiscal note required  9. REASON FOR ACTION  9A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: 42 U.S.C. 1786 Federal regulation / cite: 7 CFR Part 246  9B. Explain: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  10. Rulemaking Coordinator: Raj Premakumar  Phone: 984-800-1117  E-Mail: raj.premakumar@dhhs.nc.gov  Additional agency contact, if any:  Phone:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Raj Premakumar  Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review		
No       Approved by OSBM   No fiscal note required	Consultation not required. Cite authority:	
9. REASON FOR ACTION  9A. What prompted this action? Check all that apply:    Agency		
9A. What prompted this action? Check all that apply:   Agency	⊠ No	
Agency	9. REASO	ON FOR ACTION
Court order / cite:	l <u> </u>	
Federal statute / cite: 42 U.S.C. 1786		
Sederal regulation / cite: 7 CFR Part 246	_	
9B. Explain: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.  10. Rulemaking Coordinator: Raj Premakumar  Phone: 984-800-1117  E-Mail: raj.premakumar@dhhs.nc.gov  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Raj Premakumar  Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  *Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency  Subject to Legislative Review		
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E-Mail: raj.premakumar@dhhs.nc.gov  Additional agency contact, if any:  Phone:  E-Mail:  Typed Name: Raj Premakumar  Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency  Subject to Legislative Review  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Raj Premakumar  Title: Commission for Public Health Rulemaking Coordinator	Too remove the remove	
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Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review	E-Mail:	
Title: Commission for Public Health Rulemaking Coordinator  RRC AND OAH USE ONLY  Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review		
RRC AND OAH USE ONLY  Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review		
Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review		
<ul> <li>□ RRC extended period of review:</li> <li>□ RRC determined substantial changes:</li> <li>□ Withdrawn by agency</li> <li>□ Subject to Legislative Review</li> </ul>		
☐ Withdrawn by agency ☐ Subject to Legislative Review	RRC extended period of review:	
Subject to Legislative Review		
	Other:	

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0905 Request for a Fair Hearing
3. Action:  ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
∑ No	No No
6. Notice for Proposed Rule:	<u> </u>
<b>⊠</b> Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/	
Hearing on: June 17, 2025	
	re posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	
Adoption by Agency on: August 6, 2025	
Notice not required under G.S.:	
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
7. Rule establishes of increases a rec. (See 3.5. 12-3.1)	
☐ Yes	☐ This Rule was part of a combined analysis. ☐ State funds affected
Agency submitted request for consultation on:	Local funds affected
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)
N.	Approved by OSBM
⊠ No	No fiscal note required
9. REASO	ON FOR ACTION
9A. What prompted this action? Check all that apply:	
	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	☐ Other: ood and Nutrition Services made updates to the federal Special
	dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
	Rayel
Phone: 984-800-1117	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.
raditional agency contact, it any.	*If this function has been delegated (reassigned) pursuant to
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	olevi 102 10(a), submit a cop, or the actegation with this form
	Typed Name: Raj Premakumar
	Title: Commission for Public Health Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken:  RRC extended period of review:	
RRC determined substantial changes:	
Withdrawn by agency	
Subject to Legislative Review Other:	
L Curer.	

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0906 Denial or Dismissal of a Request		
3. Action:	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
∑ No	No No	
6. Notice for Proposed Rule:		
<b>⊠</b> Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025		
	re posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.		
Adoption by Agency on: August 6, 2025  Notice not required under G.S.:		
Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
	☐ This Rule was part of a combined analysis.	
☐ Yes	State funds affected	
Agency submitted request for consultation on:  Consultation not required. Cite authority:	<b>□</b> Local funds affected	
Consultation not required. The authority:	<b>Substantial economic impact (≥\$1,000,000)</b>	
⊠ No	Approved by OSBM	
	No fiscal note required	
	ON FOR ACTION	
9A. What prompted this action? Check all that apply:  Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making	
Federal regulation / cite: 7 CFR Part 246	Other:	
	ood and Nutrition Services made updates to the federal Special	
	dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
The Commission for Public Health has amended its rules for the	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Fuoric Health has amended its fules for the	ne wie program in compnance with these requirements.	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
10. Rulemaking Coordinator. Tail Fromakamar	Rayel	
<b>Phone:</b> 984-800-1117	164-	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
	form is true and accurate to the best of my knowledge.	
Additional agency contact, if any:		
Phone:	*If this function has been delegated (reassigned) pursuant to	
E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:		
RRC extended period of review: RRC determined substantial changes:		
Withdrawn by agency		
Subject to Legislative Review		
Other:		

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0907 Continuation of Benefits
3. Action:	DEADORTION DEPEND A LIBEADORTION
<b>☐</b> ADOPTION <b>☐</b> AMENDMENT <b>☐</b> REPEAL <b>☐</b> 4. Rule exempt from RRC review?	READOPTION REPEAL through READOPTION  5 Puls outcometically subject to legislative region?
Yes. Cite authority:	5. Rule automatically subject to legislative review?  Yes. Cite authority:
No No	No
6. Notice for Proposed Rule:	
•	
Notice Required Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/	
Hearing on: June 17, 2025	
	re posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	
Adoption by Agency on: August 6, 2025  Notice not required under G.S.:	
Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
· · · · · · · · · · · · · · · · · · ·	☐ This Rule was part of a combined analysis.
☐ Yes	State funds affected
Agency submitted request for consultation on:  Consultation not required. Cite authority:	<b>□</b> Local funds affected
Consultation not required. The authority.	Substantial economic impact (≥\$1,000,000)
⊠ No	Approved by OSBM
A DEAC	No fiscal note required
94. What prompted this action? Check all that apply:	ON FOR ACTION
Agency	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	U Other:
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
DI 004 000 1117	Rayel
Phone: 984-800-1117  E-Mail: raj.premakumar@dhhs.nc.gov	Designing I have wearfied that the information contained on this
E-141an. Taj.premakumar@dinis.ne.gov	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.
	*If this function has been delegated (reassigned) pursuant to
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	Toward Names Dei Donnelson
	Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken:	
RRC extended period of review: RRC determined substantial changes:	
Withdrawn by agency	
Subject to Legislative Review	
Other:	

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0908 Notice of Hearing	
3. Action:  ☐ ADOPTION ☑ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?  ☐ Yes. Cite authority:  ☒ No	5. Rule automatically subject to legislative review?  ☐ Yes. Cite authority:  ☒ No	
6. Notice for Proposed Rule:		
<ul> <li>Notice Required         Notice of Text published on: June 2, 2025         Link to Agency notice: https://cph.dph.ncdhhs.gov/         Hearing on: June 17, 2025     </li> <li>         The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.         Adoption by Agency on: August 6, 2025     </li> <li>         Notice not required under G.S.:         Adoption by Agency on:</li> </ul>		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> <li>☐ Approved by OSBM</li> </ul>	
⊠ No	No fiscal note required	
9A. What prompted this action? Check all that apply:    Agency		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
<b>Phone:</b> 984-800-1117	Rayel	
E-Mail: raj.premakumar@dhhs.nc.gov  Additional agency contact, if any:	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.	
Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review Other:		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0909 Hearing Officer		
3. Action:	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
No	No	
6. Notice for Proposed Rule:		
Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025  Notice not required under G.S.: Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes	☐ This Rule was part of a combined analysis.	
Agency submitted request for consultation on:	<b>⊠</b> State funds affected	
Consultation not required. Cite authority:	Local funds affected	
	Substantial economic impact (≥\$1,000,000)  Approved by OSBM	
⊠ No	No fiscal note required	
9A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: 42 U.S.C. 1786 Federal regulation / cite: 7 CFR Part 246  Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
<b>Phone:</b> 984-800-1117	Rayer	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
Dhones	*If this function has been delegated (reassigned) pursuant to	
Phone: E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
D ITAMA	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:  RRC determined substantial changes:		
☐ Withdrawn by agency ☐ Subject to Legislative Review		
Other:		

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0911 Decision
3. Action:	
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
Notice for Proposed Puls.	⊠ No
6. Notice for Proposed Rule:	
<b>⊠</b> Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025	
	re posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	o possess on the agency of the same no most chain the passession
Adoption by Agency on: August 6, 2025	
☐ Notice not required under G.S.:	
Adoption by Agency on:	T
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
Yes	This Rule was part of a combined analysis.
Agency submitted request for consultation on:	State funds affected
Consultation not required. Cite authority:	Local funds affected
·	Substantial economic impact (≥\$1,000,000) Approved by OSBM
⊠ No	No fiscal note required
9. REASO	ON FOR ACTION
9A. What prompted this action? Check all that apply:	711 TOR 11011
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	U Other:
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
, ,	Rayel
<b>Phone:</b> 984-800-1117	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
Additional according to the control of the control	form is true and accurate to the best of my knowledge.
Additional agency contact, if any:	*If this formation has been delegated (massioned) more and to
Phone:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	G.S. 143D-10(a), submit a copy of the delegation with this form.
	Typed Name: Raj Premakumar
	Title: Commission for Public Health Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken:  RRC extended period of review:	
RRC extended period of review:  RRC determined substantial changes:	
☐ Withdrawn by agency	
Subject to Legislative Review	
Other:	

## **Burgos, Alexander N**

Subject:

FW: Response to Changes and Revised Rules - 10A NCAC 43D

From: Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>

**Sent:** Wednesday, November 12, 2025 1:24 PM **To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: Response to Changes and Revised Rules - 10A NCAC 43D

Thanks Seth! We'll get to work on these.

## Rajeev K. Premakumar

Deputy General Counsel
Office of General Counsel
NC Department of Health and Human Services

Office: 919-855-4800

Mobile: 984-800-1117 (primary) Raj.Premakumar@dhhs.nc.gov

From: Ascher, Seth M <<u>seth.ascher@oah.nc.gov</u>> Sent: Wednesday, November 12, 2025 1:23 PM

**To:** Premakumar, Rajeev K < <u>raj.premakumar@dhhs.nc.gov</u>> **Cc:** Burgos, Alexander N < <u>alexander.burgos@oah.nc.gov</u>>

Subject: Re: Response to Changes and Revised Rules - 10A NCAC 43D

Raj,

I've gone through your updated rules, and like we discussed on the phone there are still a couple of things that need to be fixed.

- 1. Rules cannot include hyperlinks, so you need to remove those from the rules. If you want to reference a website, you need to include the url in plain text in the rule.
- 2. I understand that you cannot fix 10A NCAC 43D .0205 or .0304. I am working on a staff opinion for those rules that will likely recommend objection.
- 3. You do need to include the links in 10A NCAC 43D .0203 to handle the incorportation, both for the CFR and the USC. On lines 13 and 14 you need something like:
  - a. "are incorporated by reference, including subsequent amendments and editions. 7 C.F.R. 246 is available for free at <a href="https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-246">https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-246</a>. 42 U.S.C. 1786 is available for free at <a href="https://www.govinfo.gov/app/details/USCODE-2023-title42/USCODE-2023-title42-chap13A-sec1786">https://www.govinfo.gov/app/details/USCODE-2023-title42-chap13A-sec1786</a>."
- 4. I believe that the incoporations described in item 3 cover everything you are doing in these rules, but I am still double checking all of the references. I'll let you know if I run into any problems.

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934
Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

**Seth Ascher** 

## **Burgos, Alexander N**

Subject:

FW: Response to Changes and Revised Rules - 10A NCAC 43D

From: Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>

**Sent:** Friday, November 7, 2025 4:37 PM **To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: Response to Changes and Revised Rules - 10A NCAC 43D

Thanks Seth! I'm available at 9:30am on Monday and also at 11:30am, whichever is more convenient for you.

Raj 404-376-7204

## Rajeev K. Premakumar

**Deputy General Counsel** 

Office of General Counsel

NC Department of Health and Human Services

Office: 919-855-4800

Raj.Premakumar@dhhs.nc.gov

From: Ascher, Seth M <<u>seth.ascher@oah.nc.gov</u>> Sent: Friday, November 7, 2025 4:33:18 PM

**To:** Premakumar, Rajeev K < <u>raj.premakumar@dhhs.nc.gov</u>> **Cc:** Burgos, Alexander N < <u>alexander.burgos@oah.nc.gov</u>>

Subject: Re: Response to Changes and Revised Rules - 10A NCAC 43D

Raj,

Thank you for your timely response. I have been working on reviewing them and will plan to give you a call on Monday. Is there a particular time that you would prefer?

## **Seth Ascher**

# Office of Administrative Hearings (984) 236-1934 Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Counsel to the North Carolina Rules Review Commission

## **Burgos, Alexander N**

Subject: Attachments: FW: Response to Changes and Revised Rules - 10A NCAC 43D

RFC CPH 43D - Responses to Request for Changes.docx; Requested Changes to 10A

NCAC 43D FINAL.zip; 0400 Form - 10A NCAC 43D .0911.docx; 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D .0201.docx; 0400 Form - 10A NCAC 43D

.0202.docx; 0400 Form - 10A NCAC 43D .0203.docx; 0400 Form - 10A NCAC 43D

.0204.docx; 0400 Form - 10A NCAC 43D .0205.docx; 0400 Form - 10A NCAC 43D

.0207.docx; 0400 Form - 10A NCAC 43D .0304.docx; 0400 Form - 10A NCAC 43D

.0410.docx; 0400 Form - 10A NCAC 43D .0411.docx; 0400 Form - 10A NCAC 43D

.0501.docx; 0400 Form - 10A NCAC 43D .0702.docx; 0400 Form - 10A NCAC 43D

.0707.docx; 0400 Form - 10A NCAC 43D .0708.docx; 0400 Form - 10A NCAC 43D

.0709.docx; 0400 Form - 10A NCAC 43D .0804.docx; 0400 Form - 10A NCAC 43D

.0902.docx; 0400 Form - 10A NCAC 43D .0904.docx; 0400 Form - 10A NCAC 43D

.0905.docx; 0400 Form - 10A NCAC 43D .0906.docx; 0400 Form - 10A NCAC 43D

.0907.docx; 0400 Form - 10A NCAC 43D .0908.docx; 0400 Form - 10A NCAC 43D

.0909.docx; CPHRulemakingCoordinatorDesignation-8.6.25.pdf

From: Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>

**Sent:** Friday, November 7, 2025 10:20 AM **To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Response to Changes and Revised Rules - 10A NCAC 43D

Hi Seth.

Attached, please find the responses to your Request for Changes, the revised Rules, 0400 forms, and rulemaking designation for the WIC rules (10A NCAC 43D).

I have a question about two rules (10A NCAC .0205 and .0304) that I am hoping to receive some guidance on if you could call me at 404-376-7204.

Thank you very much.

Raj

## Rajeev K. Premakumar

Deputy General Counsel
Office of General Counsel
NC Department of Health and Human Services

Office: 919-855-4800

Mobile: 984-800-1117 (primary) Raj.Premakumar@dhhs.nc.gov

From: Ascher, Seth M < <a href="mailto:seth.ascher@oah.nc.gov">sent: Thursday, October 30, 2025 4:15 PM</a>

To: Premakumar, Rajeev K < <a href="mailto:raj.premakumar@dhhs.nc.gov">raj.premakumar@dhhs.nc.gov</a> Cc: Burgos, Alexander N < <a href="mailto:alexander.burgos@oah.nc.gov">alexander.burgos@oah.nc.gov</a> Subject: Extension of the period of review for 10A NCAC 43D

Raj,

Attached is a letter memorializing the action taken by the RRC at today's meeting.

## **Seth Ascher**

Counsel to the North Carolina Rules Review Commission		
Office of Administrative Hearings		
(984) 236-1934		
Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.		
Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.		



JOSH STEIN • Governor

DEVDUTTA SANGVAI • Secretary

KELLY KIMPLE • Director, Public Health

August 6, 2025

#### **MEMORANDUM**

TO:

Brian Liebman, Codifier of Rules

Office of Administrative Hearings

FROM:

Ron May, Chair

Commission for Public Health

SUBJECT:

Rulemaking Coordinators - Commission for Public Health

I designate the following rulemaking coordinators for the Commission for Public Health:

**Jennifer Everett** for **Commission for Public Health rules in 15A NCAC Chapter 18C**. Ms. Everette may be reached as follows:

Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 p 919.707.8595 jennifer.everett@deq.nc.gov

Raj Premakumar for Commission for Public Health rules in 10A NCAC Subchapters 43D, 43E, 43F, 43G, 43I, 43J, and 43K. Mr. Premakumar may be reached as follows:

Raj Premakumar 2001 Mail Service Center Raleigh, NC 27699-2001 p 919.800.1117 raj.premakumar@dhhs.nc.gov

**Virginia Niehaus** for all other **Commission for Public Health rules Titles 10A and 15A**. Ms. Niehaus may be reached as follows:

Virginia Niehaus 1931 Mail Service Center Raleigh, NC 27699-1931 p 919.707.5006 virginia.niehaus@dhhs.nc.gov

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES . DIVISION OF PUBLIC HEALTH

# Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 The Rule addresses properly formatting changes made after publication in the NC Register.

## Note the following general instructions:

- 1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
- 2. For rules longer than one page, insert a page number.
- 3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
- 4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
- 5. You cannot change just one part of a word. For example:
  - Wrong: "aAssociation"
  - Right: "association Association"
- 6. Treat punctuation as part of a word. For example:
  - Wrong: "day; and"
  - Right: "day, day; and"
- 7. Formatting instructions and examples may be found at:

https://www.oah.nc.gov/rule-format-examples

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0201

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

FYI: The approach you take to specifying where to find incorporated materials (p. 3 line 11) pursuant to G.S. 150B-21.6 is not one I believe the Commission has considered before. I do not have a change to request, but intend to specifically bring this to the Commission's attention who may have a change to request.

AGENCY: Commission for Public Heath

RULE CITATION: 10A NCAC 43D .0203

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

You do not indicate that the items listed in paragraph (a) are incorporated by reference, and I believe that is what you are intending to do. Add language to satisfy G.S. 150B-21.6.

For example, if this is what you intend, you could change (b) to something like: "The documents listed in Paragraph (a) of this Rule are . . ."

The Commission has previously determined that a link like you provide on line 12 is not sufficient to specify where to find the incorporated material. Consider doing what you did in .0201 instead, providing a link to the eCFR and a similar link for the U.S.C.

Note that this will resolve potential incorporation problems that I did not raise in this RFC in a number of other rules: 10A NCAC 43D .0207, 10A NCAC 43D .0411, 10A NCAC 43D .0501, 10A NCAC 43D .0707, 10A NCAC 43D .0708, 10A NCAC 43D .0709, 10A NCAC 43D .0902,

Response: Corrected as requested.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0205

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

It appears that this rule is purely about the internal management of an agency, and thus not within the definition of a rule under G.S. 150B-2(8a)a. Am I missing something?

Response: We wish to repeal this rule.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0304

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Are there any additional criteria to what is listed in lines 5-7 of this rule?

If so, where are they identified?

Response: We wish to repeal this rule

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0410

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 6, you do not need "which are incorporated by reference in Rule .0202 of this subchapter".

On line 15, is 21 U.S.C 802 incorporated elsewhere? If not, incorporate it here. Response: Corrected as requested.

AGENCY: Commission for Public Heath

RULE CITATION: 10A NCAC 43D .0501

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

7 C.F.R. 246.10 is included in the potential incorporation in 10A NCAC 43D .0203. So if you incorporate in .0203, you do not need "which is" on line 6 and lines 7 through 10. Response: Corrected as requested.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0702

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

7 C.F.R. 246.10 is included in the potential incorporation in 10A NCAC 43D .0203. So if you incorporate in .0203, you do not need "which is" and the language following on line 6.

Response: Corrected as requested.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0707

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

42 U.S.C. 1786 is included in the potential incorporation in 10A NCAC 43D .0203. So if you incorporate in .0203, you do not need "which is" and the language following on lines 19 and 20.

On p. 4, line 2, the "or" should be at the end of the previous line. Response: Corrected as requested.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0804

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 7, the updates statutory citation is missing a hyphen: "G.S. 150B-42" Response: Corrected as requested.

AGENCY: Commission for Public Heath

RULE CITATION: 10A NCAC 43D .0905

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE</u>: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 14 has an unnecessary indent or spaces.

Response: Corrected as requested.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0906

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 6 you use "their" while on lines 12 and 14 you kept "his or her". This should be consistent, unless you are intending a different meaning.

Response: Corrected as requested.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0907

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE:</u> This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 13, what is a categorical ineligibility?

Response: Categorical ineligibility means persons who do not meet the definitions of pregnant women, breastfeeding women, post-partum women or infants or children.

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 43D .0911

DEADLINE FOR RECEIPT: Friday, September 19, 2025

<u>PLEASE NOTE</u>: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 17, can't they appeal to an ALJ under 150B-22? Or is there an exception I am missing?

If so, you need to account for that somehow in this rule. Response: Corrected as requested.

1	10A NCAC 431	O .0201 is amended as published in 39:23 NCR 1502-1516 as follows:
2		
3		SECTION .0200 - WIC PROGRAM GENERAL INFORMATION
4		
5	10A NCAC 43	D .0201 DESCRIPTION
6	The Nutrition S	Services Branch North Carolina Department of Health and Human Services, Division of Child and
7	Family Well-Be	eing, Community Nutrition Services Section is responsible for the administration of the WIC Program
8	in North Caroli	na.
9		
10	History Note:	Authority G.S. 130A-361; 7 C.F.R. 246;
11		Eff. July 1, 1981;
12		Amended Eff. October 1, 2009; December 6, 1991; November 1, 1990;
13		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
14		23, <del>2017.</del> <u>2017;</u>
15		Amended Eff. April 1, 2026.

1	10A NCAC 431	O .0201 is amended as published in 39:23 NCR 1502-1516 as follows:
2		
3		SECTION .0200 - WIC PROGRAM GENERAL INFORMATION
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7	Family Well-Bo	eing, Community Nutrition Services Section is responsible for the administration of the WIC Program
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9		
10	History Note:	Authority G.S. 130A-361;7 C.F.R. 246;
11		Eff. July 1, 1981;
12		Amended Eff. October 1, 2009; December 6, 1991; November 1, 1990;
13		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
14		23, <del>2017.</del> <u>2017;</u>
15		Amended Eff. April 1, 2026.

2 3 10A NCAC 43D .0202 **DEFINITIONS** 4 (a) For the purposes of this Subchapter, all definitions set forth in 7-C.F.R. Part 246.2 7 C.F.R. Part 246.2 are hereby 5 incorporated by reference, including subsequent amendments and editions, with the following additions and 6 modifications: 7 (1) An "administrative appeal" is an appeal in accordance with Section .0800 of this Subchapter through 8 which a local WIC agency, potential local WIC agency, authorized WIC vendor, or WIC vendor 9 applicant may appeal the adverse actions listed in 7 C.F.R. 246.18(a)(1)(i), 7 C.F.R. 246.18(a)(1)(i), 10  $\frac{(a)(1)(ii)}{(a)(1)(ii)}$ , and  $\frac{(a)(3)(i)}{(a)(3)(i)}$ . An "authorized store representative" includes an owner, manager, assistant manager, head cashier, 11 (2) 12 or chief fiscal officer. 13 (3) An "authorized WIC vendor" is a food retailer or free-standing pharmacy that has executed a 14 currently effective North Carolina WIC Vendor Agreement, as set forth in 7-C.F.R 246.12(h)(3). 15 C.F.R 246.12(h)(3). (4) 16 A "chain store" is a store that is owned or operated by a corporation, partnership, cooperative 17 association, or other business entity that has 20 or more stores owned or operated by the business 18 entity. (5) 19 An "Electronic Benefit Transfer (EBT) Processor" is an entity contracted by a government agency 20 for the implementation, maintenance, and operation of the State WIC agency's WIC EBT system 21 that acts as the agent of the State WIC agency to process and settle EBT transactions. 22 "eWIC" is the term used for EBT by the North Carolina WIC Program. **(6)** 23  $\frac{(6)(7)}{(6)}$ A "fair hearing" is the informal dispute resolution process in Section .0900 of this Subchapter 24 through which any individual may appeal a State or local agency action that results in a claim against 25 the individual for repayment of the cash value of issued benefits by which the individual is not 26 eligible or results in the individual's denial of participation or disqualification from the WIC 27 Program, as set forth in Rule .0410 of this Subchapter. This process must be complied with prior to 28 requesting a contested case hearing in accordance with G.S. 150B, as set forth in 7-CFR 246.9. 29 CFR 246.9. "First date to spend" means "first date of use" as defined in 7-C.F.R. 246.12, 7 C.F.R. 246.12, hereby 30 <del>(7)</del>(8) 31 incorporated by reference with all subsequent amendments and editions. 32 <del>(8)</del>(9) "FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture. 33 (9)(10) "Food benefits" are the prescribed amounts of WIC authorized foods and formulas or a fixed dollar 34 amount prescribed to WIC customers to receive fruits and vegetables. 35 (10)(11) "Food benefit balance" means the unspent food benefits for the current month that are available to use by the cardholder. 36

10A NCAC 43D .0202 is amended with changes as published in 39:23 NCR 1502-1516 as follows:

1

1	(11)(12) "Free-standing pharmacy" means a pharmacy that does not operate within another retail store. Free-
2	standing pharmacy includes free-standing pharmacies that are chain stores and free-standing
3	pharmacies participating under a WIC corporate agreement.
4	(12)(13) "Last date to spend" means "last date of use" as defined in 7 C.F.R. 246.12, 7 C.F.R. 246.12, hereby
5	incorporated by reference with all subsequent amendments and editions.
6	(13)(14) The "local WIC agency" is the local agency that enters into an agreement with the Division of Public
7	Health Division of Child and Family Well-Being to operate the Special Supplemental Nutrition
8	Program for Women, Infants Infants, and Children.
9	(14)(15) A "local WIC program plan" is a written compilation of information on the local WIC agency
10	policies concerning program operation, including administration, nutrition education, personnel
11	functions, costs and other information prepared by the local WIC agency and submitted to the
12	Nutrition Services Branch. Community Nutrition Services Section.
13	(15)(16) "New authorized WIC vendor" is an authorized WIC vendor that has been approved to accept WIC
14	for the first time and does not include vendors that have a previous WIC authorization history.
15	(16)(17) A "personal identification number" (PIN) is a numeric password selected and used by a WIC
16	participant to authenticate the participant to the EBT system.
17	(17)(18) A "point of sale terminal" (POS) is an electronic device used to process EBT card payments at
18	authorized vendor locations.
19	(18)(19) A "predominantly WIC vendor" is an "above-50-percent vendor" as defined in 7-C.F.R. 246.2, 7
20	<u>C.F.R. 246.2.</u>
21	(19)(20) A "product look-up (PLU) code" is an identification number placed on produce sold at authorized
22	vendor locations.
23	(20)(21) "Redeemed food benefits" means the benefits that have been used by the WIC customer.
24	(21)(22) "Redemption" is the process by which a vendor receives payment from the State agency or its
25	financial agent for food benefits transacted at that vendor location.
26	(22)(23) "Shelf price" is the price listed on the shelf for the WIC supplemental food.
27	(23)(24) "SNAP-eligible food sales" means "food sales" as defined in 7-C.F.R. 246.2, 7 C.F.R. 246.2, which
28	are those foods that can be purchased with Supplemental Nutrition Assistance Program ("SNAP")
29	benefits.
30	(24)(25) The "State agency" is the Nutrition Services Branch, Women's and Children's Health Section,
31	Division of Public Health, North Carolina Department of Health and Human Services. Community
32	Nutrition Services Section, Division of Child and Family Well-Being, North Carolina Department
33	of Health and Human Services.
34	(25)(26) "Store" means a food retailer or free-standing pharmacy operating at a single, fixed location.
35	(26)(27) "Supplemental food" or "WIC supplemental food" is a food that satisfies the requirements of 10A
36	NCAC 43D .0501.
37	(27)(28) "Support costs" are clinic costs, administrative costs, and nutrition education costs.

1	<del>(28)</del> (29)	"Transaction" is the process by which a WIC customer tenders food benefits at an authorized vendor
2		in exchange for authorized supplemental foods.
3	<del>(29)</del> (30)	"Universal Product Code (UPC)" means an identification code printed on the packaging of WIC
4		approved foods sold at WIC authorized vendor locations.
5	<del>(30)</del> (31)	"Vendor applicant" is a store that has submitted an application to become an authorized WIC vendor
6		but is not yet authorized.
7	<del>(31)</del> (32)	A "vendor overcharge" is intentionally or unintentionally charging more for supplemental food
8		provided to a WIC customer than to a non-WIC customer or charging more than the current shelf
9		price for supplemental food provided to a WIC customer.
10	<del>(32)</del> (33)	A "WIC corporate agreement" is a single WIC Vendor Agreement with a corporate entity that has
11		20 or more stores authorized as WIC vendors under the Agreement.
12	<del>(33)</del> (34)	"WIC customer" means a WIC participant, parent, or caretaker of an infant or child participant,
13		proxy for the eligible participant, or compliance investigator who transacts food benefits at a vendor
14		in exchange for WIC supplemental food.
15	<del>(34)</del> (35)	"WIC program" means the Special Supplemental Nutrition Program for Women, Infants, and
16		Children authorized by 42 U.S.C. 1786 42 U.S.C. 1786 of the Child Nutrition Act of 1966 as
17		amended.
18	(b) A copy of 7-	C.F.R. Part 246 7 C.F.R. Part 246 is available free of charge at https://www.ecfr.gov.
18 19	(b) A copy of 7-	C.F.R. Part 246 7 C.F.R. Part 246 is available free of charge at https://www.ecfr.gov.
	(b) A copy of 7-  History Note:	C.F.R. Part 246 7 C.F.R. Part 246 is available free of charge at https://www.ecfr.gov.  Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42
19		
19 20		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42
19 20 21		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786;
19 20 21 22		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786; Eff. July 1, 1981;
19 20 21 22 23		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786;  Eff. July 1, 1981;  Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;
19 20 21 22 23 24		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786;  Eff. July 1, 1981;  Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;  Temporary Amendment Eff. May 17, 2000;
19 20 21 22 23 24 25		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786;  Eff. July 1, 1981;  Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;  Temporary Amendment Eff. May 17, 2000;  Amended Eff. April 1, 2001;
19 20 21 22 23 24 25 26		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786;  Eff. July 1, 1981;  Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;  Temporary Amendment Eff. May 17, 2000;  Amended Eff. April 1, 2001;  Temporary Amendment Eff. July 1, 2002;
19 20 21 22 23 24 25 26 27		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786;  Eff. July 1, 1981;  Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;  Temporary Amendment Eff. May 17, 2000;  Amended Eff. April 1, 2001;  Temporary Amendment Eff. July 1, 2002;  Amended Eff. August 1, 2004;
19 20 21 22 23 24 25 26 27 28		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786;  Eff. July 1, 1981;  Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;  Temporary Amendment Eff. May 17, 2000;  Amended Eff. April 1, 2001;  Temporary Amendment Eff. July 1, 2002;  Amended Eff. August 1, 2004;  Temporary Amendment Eff. July 1, 2006;
19 20 21 22 23 24 25 26 27 28 29		Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.9; 7 C.F.R. 246.12; 7 C.F.R. 246.18; 42 U.S.C. 1786;  Eff. July 1, 1981;  Amended Eff. December 6, 1991; November 1, 1990; July 1, 1989;  Temporary Amendment Eff. May 17, 2000;  Amended Eff. April 1, 2001;  Temporary Amendment Eff. July 1, 2002;  Amended Eff. August 1, 2004;  Temporary Amendment Eff. July 1, 2006;  Amended Eff. October 1, 2017; February 1, 2013; October 1, 2009; April 1, 2007;

1 10A NCAC 43D .0203 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0203 REFERENCES 4 (a) The State agency shall administer the WIC program in accordance with: 5 42 U.S.C. 1786; 42 U.S.C. 1786; and (1) 6 (2) 7 C.F.R. 246.1 through 246.28, 7 C.F.R 246. United States Department of Agriculture, Food and 7 Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and 8 Children. 9 (b) The documents listed in Paragraph (a) of this Rule are available for inspection at the Division of Public Health, 10 Women's and Children's Section, Nutrition Services Branch North Carolina Department of Health and Human Services, Division of Child and Family Well Being, Community Nutrition Services Section at 5601 Six Forks Road, 11 Raleigh, NC 27609 during regular business hours, Monday through Friday from 8:00 AM to 5:00 PM. 8:00 AM to 12 13 5:00 PM, and online at www.nedhhs.gov/newie. are incorporated by reference, including subsequent amendments and 14 editions, and are available at 7 C.F.R 246. 15 16 History Note: Authority G.S. 130A-361; 17 Eff. July 1, 1981; 18 Amended Eff. October 1, 2017; October 1, 2009; April 1, 1984; April 1, 1982; 19 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20 23, <del>2017.</del> <u>2017;</u> 21 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0204 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0204 **CONTRACT WITH FNS** 4 (a) The Division of Public Health Department of Health and Human Services shall maintain the Federal-State Special 5 Supplemental Nutrition Program Agreement with the United States Department of Agriculture, Food and Nutrition 6 Service. 7 (b) The state agency shall prepare, submit to FNS, and maintain the North Carolina State WIC Program Plan of 8 Operations to fulfill the requirements of <del>7 C.F.R. 246.4.</del> 7 C.F.R. 246.4. This plan is available for inspection at the 9 state agency during business hours. 10 11 History Note: Authority G.S. 130A-361; 12 Eff. July 1, 1981; 13 Amended Eff. October 1, 2009; 14 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 15 23, <del>2017.</del> <u>2017;</u> 16 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0205 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0205 POLICIES: GUIDELINES AND MANUALS 4 (a) The state agency shall promulgate policies, guidelines and manuals to facilitate operation of the WIC Program in 5 accordance with the contract with FNS, the guidelines and instructions issued by FNS in policy letters and 6 management evaluations, and the North Carolina State WIC Program Plan of Operations and the rules contained in 7 this Subchapter. 8 (b) The policies, guidelines and manuals maintained under (a) of this Rule are available for inspection at the state 9 agency during regular business hours. hours, and online at www.ncdhhs.gov/ncwic. 10 11 History Note: Authority G.S. 130A-361; 12 Eff. July 1, 1981; 13 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 14 23, <del>2017.</del> <u>2017;</u> 15 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0207 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0207 LOCAL WIC AGENCY AGREEMENT AND BUDGET 4 (a) The state agency shall enter into an agreement and negotiate a budget with each local WIC agency in accordance with <del>7 C.F.R. 246.6.</del> 7 C.F.R. 246.6. 5 6 (b) The availability of budgeted support cost funds for each local WIC agency is contingent upon the availability of 7 WIC program support cost funds. 8 (c) Since local support cost funds are allocated according to the assigned number of participants to be served, in the 9 event a local WIC agency is unable to serve the assigned number of participants, the state agency shall reduce the 10 amount of support cost funds provided to the local WIC agency by a portion reflective of the level of 11 underperformance. 12 (d) The state agency shall notify the local WIC agency in writing of any reduction of support cost funds available to 13 the local WIC agency. 14 (e) When state food dollars are overexpended during a federal fiscal year, local WIC Programs that have maintained 15 an active case load in excess of their assigned number of participants shall reimburse to the state their proportionate share of the overexpenditure. 16 17 18 Authority G.S. 130A-361; History Note: 19 Eff. April 1, 1982; 20 Amended Eff. October 1, 2009; April 1, 1984; 21 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22 23, <del>2017.</del> <u>2017;</u>

Amended Eff. April 1, 2026.

23

1 10A NCAC 43D .0304 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0304 **EXPANSION OF LOCAL WIC PROGRAMS** 4 Local WIC agencies that plan to increase the number of persons served shall submit a written request to the Nutrition 5 Services Section. Community Nutrition Services Section. The availability of funds and the Affirmative Action Plan 6 contained in the North Carolina State WIC Program Plan of Operation will be considered in making the decision to 7 approve or deny the request. 8 9 History Note: Authority G.S. 130A-361; 10 Eff. July 1, 1981; 11 Amended Eff. December 6, 1991; November 1, 1990; 12 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 13 23, <del>2017.</del> <u>2017;</u> 14 Amended Eff. April 1, 2026.

10A NCAC 43D .0410 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 10A NCAC 43D .0410 PARTICIPANT VIOLATIONS AND SANCTIONS 4 (a) The State agency shall assess a claim for the full value of Program benefits that have been obtained or disposed 5 of improperly as the result of a participant violation. "Participant violation" means those violations listed in 7 C.F.R. 6 246.2 7 C.F.R. 246.2. which are incorporated by reference in Rule .0202 of this Subchapter. A claim shall not be paid by offsetting the claim against future Program benefits. 8 (b) The following participant violations committed by a participant, parent or caretaker of an infant or child 9 participant, or proxy shall result in a one-year disqualification of the participant from the WIC Program, except as 10 provided in Paragraphs (c) and (d) of this Rule: (1) Exchanging food instruments, cash value vouchers or supplemental food for cash; eWIC card, 12 benefits, or supplemental food for cash; (2) Exchanging food instruments, cash value vouchers or supplemental food eWIC card, benefits, or supplemental food for alcohol, alcoholic beverages, tobacco products, firearms, ammunition, explosives, or controlled substances as defined in incorporated by reference, including subsequent amendments and editions 21 U.S.C. 802; 21 U.S.C. 802; 16 (3) A claim for dual participation resulting from intentional misrepresentation; **(4)** Intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain Program benefits; 20 (5) Any participant violation for which a claim of one hundred dollars (\$100.00) or more is assessed; A second or subsequent claim assessed for any participant violation, regardless of the dollar amount. (6) The second or subsequent claim does not have to be for the same participant violation as the initial claim to result in a one-year disqualification; and (7) Physical harm to clinic or vendor staff. (c) The one-year disqualification referenced in Paragraph (b) of this Rule shall not be imposed against the participant 26 if a claim is assessed and full payment is made, or a repayment schedule is agreed upon within 30 days of receipt of a written demand for repayment of the claim for the improperly obtained or disposed of Program benefits. (d) The one-year disqualification referenced in Paragraph (b) of this Rule shall not be imposed against the participant if the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant. Designation of a proxy shall be approved if the proxy: (1) is at least 18 years of age; 32 (2) presents proof of identification in the form of a government-issued photo identification card, work or school identification card, health benefits or social services program card, social security card, birth certificate, or a pay stub or utility bill no more than 60 days old; (3) has written authorization from the participant or the parent or caretaker of an infant or child

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participant; and

(4)

will not be serving as proxy for more than two families at the same time; and

(5)(4) will be the person who transacts the food instruments. supplemental food benefits or cash-value benefits.

- (e) Except as provided in Subparagraphs (b)(5) and (b)(6) of this Rule, the following participant violations committed by a participant, parent or caretaker of an infant or child participant, or proxy shall result in a written warning for the first violation and the assessment of a claim for the full amount of any improperly obtained or disposed of Program benefits:
  - (1) Exchanging food instruments, cash value vouchers or supplemental food eWIC card, benefits or supplemental food for credit;
  - (2) Exchanging food instruments, cash value vouchers or supplemental food eWIC card, benefits or supplemental food for non-food items, other than alcohol, alcoholic beverages, tobacco products, firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802; 21 U.S.C. 802; and
  - (3) Exchanging food instruments, cash value vouchers or supplemental food eWIC card, benefits or supplemental food for unauthorized food items, including supplemental foods in excess of those listed on the participant's food instrument. available benefit balance.

For the violations listed in this Paragraph, failure to pay a claim in full or agree to a repayment schedule within 30 days of receipt of a written demand for repayment of a claim, shall result in a 90-day disqualification of the participant, unless the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.

- (f) The occurrence of a second or subsequent participant violation listed in Paragraph (e) of this Rule shall result in a one-year disqualification of the participant and the assessment of a claim for the full amount of any improperly obtained or disposed of Program benefits. The second or subsequent violation does not have to be the same as the initial violation to result in a one-year disqualification. The one-year disqualification shall not be imposed against the participant if full payment is made, or a repayment schedule is agreed upon within 30 days of receipt of a written demand for repayment of a claim. Additionally, the one-year disqualification shall not be imposed against the participant if the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.
- (g) Threatening physical harm to or verbal abuse of clinic or vendor staff by a participant, parent or caretaker of an infant or child participant, or proxy shall result in a written warning for the first occurrence of this violation. A second occurrence within a 12-month period shall result in a 90-day disqualification of the participant, unless the participant is an infant, child, or under age 18 and the state or local agency approves the designation of a proxy for the participant in accordance with Paragraph (d) of this Rule.
- (h) For any disqualification imposed under this Rule, a participant may reapply for Program participation if during the period of the disqualification full payment is made or a repayment schedule is agreed upon, or in the case of a participant who is an infant, child, or under age 18, the state or local agency approves the designation of a proxy in accordance with Paragraph (d) of this Rule.

1 (i) The participant has a right to a fair hearing in accordance with Section .0900 of this Subchapter for sanctions 2 imposed under this Rule. 3 4 History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786; 5 Eff. July 1, 1983; 6 Amended Eff. November 1, 1990; 7 Temporary Amendment Eff. July 1, 2002; 8 Amended Eff. October 1, 2009; August 1, 2004; 9 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 10 23, <del>2017.</del> <u>2017;</u> Amended Eff. April 1, 2026. 11

10A NCAC 43D .0411 is amended with changes as published in 39:23 NCR 1502-1516 as follows:

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#### 10A NCAC 43D .0411 DUAL PARTICIPATION

- 4 (a) A WIC participant shall not participate simultaneously in one or more than one WIC clinic, or participate in the
- 5 WIC Program and the Commodity Supplemental Food Program ("CSFP") WIC clinic during the same period of time.
- 6 For purposes of this Rule, to participate means certification as a in the WIC participant for the receipt of Program
- 7 receiving WIC food instruments or cash value vouchers or certification as a CSFP participant for the receipt of CSFP
- 8 food. or cash-value benefits.
- 9 (b) The state agency shall immediately terminate the participation in one of the clinics or Programs, or the
- simultaneous participation in a single clinic, in accordance with 7-C.F.R. 246.7 (I) when a participant
- is found to be in violation of Paragraph (a) of this Rule.
- 12 (c) In the case of dual participation resulting from intentional misrepresentation, the participant, parent or caretaker
- 13 of an infant or child participant, or proxy shall repay Program benefits improperly issued as a result of the dual
- 14 participation, and transacted, and the participant shall be disqualified from participation in both Programs or clinic(s)
- 15 <u>WIC</u> in accordance with 7 C.F.R. 246.7 C.F.R. 246.7 (1) and Paragraph (b) of Rule .0410 of this Section. For purposes
- of this Paragraph, receiving WIC food instruments or eash value vouchers or cash-value benefits under two or more
- 17 participant identities in a single WIC clinic during the same issuance period and transacting one or more of the food

instruments or eash-value vouchers or cash-value benefits received under two or more of the identities constitutes dual

- participation based on intentional misrepresentation. Receiving WIC food instruments or cash value vouchers or cash-
- 20 <u>value benefits</u> from more than one WIC clinic during the same issuance period and transacting one or more of the
- 21 food instruments or eash value vouchers or cash-value benefits received from two or more of the clinics constitutes
- dual participation based on intentional misrepresentation. Additionally, receiving WIC food instruments or cash value
- 23 vouchers and CSFP food during the same time period and transacting one or more of the WIC food instruments or
- 24 cash value vouchers constitutes dual participation based on intentional misrepresentation.

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- History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;
- 27 Temporary Adoption Eff. July 1, 2002;
- 28 Eff. July 1, 2004;
- 29 Amended Eff. October 1, 2009;
- 30 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
- 31 *23, <del>2017.</del> <u>2017:</u>*
- 32 <u>Amended Eff. April 1, 2026.</u>

1 10A NCAC 43D .0501 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 SECTION .0500 - WIC PROGRAM FOOD PACKAGE 4 5 10A NCAC 43D .0501 SUPPLEMENTAL FOODS 6 (a) The foods that may be provided to WIC program participants are specified in 7-C.F.R. 246.10, 7-C.F.R. 246.10. 7 which is incorporated by reference including any subsequent amendments and editions. This material is available for 8 inspection at the Department of Health and Human Services, Division of Public Health, Division of Child and Family 9 Well Being, 5601 Six Forks Road, Raleigh, North Carolina 27609 and may be obtained from Nutrition Services the 10 Community Nutrition Services Section at no cost. 11 (b) The following exclusions from the food package have been adopted by the North Carolina WIC Program: 12 mackerel and sardines; 13 goat milk; and 14 dried fruits and vegetables. 15 (e)(b) The State agency may exclude foods other than those described in Paragraph (b) of this Rule if it determines 16 such foods to be inappropriate for provision as supplemental foods through the WIC Program as a result of their cost, 17 nutritional composition, packaging, statewide availability, participant redemption data, or promotion in a manner which is contrary to the purpose of the program as contained in 7 C.F.R. 246.1. 7 C.F.R. 246.1. 18 19 20 History Note: Authority G.S. 130A-361; 7 C.F.R. 246.10; 42 U.S.C. 1786; 21 Eff. July 1, 1981; 22 Amended Eff. October 1, 1993; October 1, 1990; July 1, 1989; October 1, 1988; 23 Temporary Amendment Eff. July 1, 2002; 24 Amended Eff. October 1, 2009; August 1, 2004; 25 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 26 23, 2017; 27 Amended Eff. April 1, 2026; March 1, 2020.

1 10A NCAC 43D .0702 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0702 ISSUANCE OF FOOD BENEFITS 4 (a) Local WIC agencies shall issue WIC program food benefits to program participants in a manner which ensures 5 that participants can receive the supplemental foods that have been prescribed for them in accordance with 7-C.F.R. 6 246.10, 7 C.F.R. 246.10, which is incorporated by reference with all subsequent amendments and editions. 7 (b) Local WIC agencies shall issue food benefits and shall retain documentation of issuance. The documentation of 8 issuance shall include the dated signature of the authorized individual receiving the food benefits, as set out in 9 Subparagraph (c) of this Rule. 10 (c) Food benefits shall be issued only to the participant, the participant's parent, the participant's guardian, the 11 participant's caretaker, a proxy, or a representative of the program completing a compliance buy. 12 13 History Note: Authority G.S. 130A-361; 7 C.F.R. 246.2; 7 C.F.R. 246.10; 42 U.S.C. 1786; 14 Eff. July 1, 1981; Amended Eff. April 1, 2001; 15 16 Temporary Amendment Eff. July 1, 2002; Amended Eff. October 1, 2009; August 1, 2004; 17 18 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 19 23, 2017; Amended Eff. April 1, 2026; March 1, 2020. 20

10A NCAC 43D .0707 is amended with changes as published in 39:23 NCR 1502-1516 as follows:

#### 10A NCAC 43D .0707 VENDOR APPLICANTS

To become authorized as a WIC vendor, a vendor applicant shall comply with the following vendor selection criteria:

- (1) A vendor applicant shall complete a WIC Vendor Application, as set forth in Item (20) of this Rule, a WIC Price List, as set forth in Item (4) of this Rule, and a WIC Vendor Agreement, as set forth in 7-C.F.R. 246.12(h)(3). 7-C.F.R. 246.12(h)(3). A vendor applicant shall submit its current highest shelf price for each WIC supplemental food listed on the WIC Price List, as set forth in Item (4) of this Rule.
- (2) A vendor applicant, at the time of application and throughout the term of authorization, shall submit all completed forms to the local WIC agency, except that a corporate entity operating under a WIC corporate agreement shall submit one completed WIC corporate agreement and the WIC Price Lists to the State agency and a separate WIC Vendor Application for each store to the local WIC agency. A corporate entity operating under a WIC corporate agreement may submit a single WIC Price List for those stores that have the same prices for WIC supplemental foods in each store, rather than submitting a separate WIC Price List for each store.
- (3) A vendor applicant shall purchase all infant formula, exempt infant formula, and WIC-eligible nutritionals directly from:
  - (a) The sources specified in 42 U.S.C 1786(h)(8)(A)(ix), 42 U.S.C 1786(h)(8)(A)(ix); which is incorporated by reference with all subsequent amendments and editions;
  - (b) Retail food stores that purchase directly from the sources referenced in Sub-item (3)(a) of this Item; or
  - (c) A source on another state's list of approved infant formula sources as verified by that state's agency.

A vendor applicant shall make available to the State or local WIC agency invoices or receipts documenting purchases of all infant formula, exempt infant formula, and WIC-eligible nutritionals. Receipts and invoices shall satisfy the requirements of Sub-items (24)(a) through (24)(c) of Rule .0708 of this Section. A vendor applicant shall not be authorized if within the last year the vendor applicant had a previous WIC Vendor Agreement terminated for failure to purchase infant formula, exempt infant formula, or WIC-eligible nutritionals from the sources specified in this Item. A vendor applicant shall not be authorized if within the last year the vendor applicant had a previous WIC Vendor Agreement terminated for providing infant formula, exempt infant formula, or WIC-eligible nutritionals to WIC customers that was not purchased from the sources specified in this Item.

(4) A vendor applicant's current highest shelf price for each WIC supplemental food listed on the WIC Price List shall not exceed the maximum price set by the State agency for each supplemental food within that vendor applicant's peer group, except as provided in Sub-item (4)(b) of this Item. The

1 maximum price for each supplemental food shall be established as follows: 2 (a) The most recent prices submitted through the EBT system by authorized vendors within 3 the same peer group shall be used to determine the maximum price for each 4 supplemental food. The maximum price shall be two standard deviations above the 5 average current highest shelf price of each supplemental food within a vendor peer 6 group. The State agency shall reassess the maximum price set for each supplemental 7 food at least four times a year. 8 (b) If any of the vendor applicant's price(s) on its WIC Price List exceed the maximum 9 price(s) set by the State agency for that applicant's peer group, the State agency shall 10 send the applicant written notice. Within 30 days of the date of receipt of the written 11 notice, the vendor applicant may resubmit price(s) that it will charge the State WIC 12 Program for those foods that exceeded the maximum price(s). If none of the vendor 13 applicant's resubmitted prices exceed the maximum prices set by the State agency, the vendor applicant shall be deemed to have met the requirements of Item (4) of this Rule. 14 15 If any of the vendor applicant's resubmitted prices still exceed the maximum prices set 16 by the State agency, or the vendor applicant does not resubmit prices within 30 days of 17 the date of receipt of the written notice, the agency shall send the applicant a written 18 notice of denial. The vendor applicant shall wait 90 days from the date of receipt of the 19 written denial to reapply for authorization. 20 (5) A vendor applicant shall pass an announced monitoring review by the local WIC agency to 21 determine whether the store has minimum inventory of supplemental foods as specified in Item 22 (17) of Rule .0708 of this Section. A vendor applicant that fails this review shall be allowed a second 23 opportunity for an unannounced monitoring review within 14 days. If the applicant fails both 24 reviews, the application shall be denied in writing and the applicant shall wait 90 days from the date 25 of the second monitoring review before submitting a new application 26 (6) A vendor applicant shall either attend or cause a manager or another authorized store representative 27 to attend WIC Vendor Training provided by the local WIC agency prior to vendor authorization and 28 ensure that the vendor applicant's employees receive instruction in WIC program procedures and 29 requirements. 30 **(7)** An applicant shall mark the current shelf prices of all WIC supplemental foods on the foods or have 31 the prices posted on the shelf or display case at all times. 32 (8) The store shall be at a single, fixed location within North Carolina. The store shall be located at the 33 address indicated on the WIC vendor application and shall be the site where WIC supplemental 34 foods are selected by the WIC customer.

A vendor applicant shall use point of sale (POS) terminals to support the WIC Program that are deployed in accordance with the minimum lane coverage provisions of 7 C.F.R. 246.12(z)(2)(ii). 7

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C.F.R. 246.12(z)(2)(ii).

- (10) The store shall be open throughout the year for business with the public at least six days a week for at least 40 hours per week between 8:00 a.m. and 11:00 p.m.
- (11) The store shall not use the acronym "WIC" or the WIC logo, including facsimiles, in total or in part, in the official name under which the business is registered or in the name under which it does business.
- (12) A vendor applicant shall not submit false, erroneous, or misleading information in an application to become an authorized WIC vendor or in subsequent documents submitted to the state or local WIC agency. A vendor applicant shall not be authorized if within the last year the vendor applicant had a previous WIC Vendor Agreement terminated for submitting false, erroneous, or misleading information.
- (13) The owner(s), officer(s), or manager(s) of a vendor applicant shall not be employed, or have a spouse, child, or parent who is employed by the State WIC program, or the local WIC program serving the county where the vendor applicant conducts business. A vendor applicant shall not have an employee who handles or transacts WIC food benefits who is employed, or has a spouse, child, or parent who is employed by the State WIC program or the local WIC program serving the county where the vendor applicant conducts business. Such situations present a conflict of interest.
- WIC vendor authorization shall be denied if in the last six years any of the vendor applicant's current owners, officers, or managers have been convicted of or had a civil judgment entered against them for any activity indicating a lack of business integrity, including fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, and obstruction of justice, as set out in 7 C.F.R 246.12(g)(3)(ii). 7 C.F.R 246.12(g)(3)(ii). For purposes of this Item, "convicted" or "conviction" includes:
  - (a) a plea of guilty;

- (b) a verdict or finding of guilt by a jury, judge, magistrate, or adjudicating body, tribunal, or official, either civilian or military;
- (c) a plea of no contest, nolo contendere, or the equivalent; or
- (d) entry of a prayer for judgment continued following a conviction as defined in this Item is the same as a conviction for purposes of this Item.
- (15) A vendor applicant shall not be authorized if it is currently disqualified from the Supplemental Nutrition Assistance Program ("SNAP") NC Food and Nutrition Services (FNS) (formerly known as the Supplemental Nutrition Assistance Program ["SNAP"]) or it has been assessed a SNAP FNS/SNAP civil money penalty for hardship and the disqualification period that otherwise would have been imposed has not expired.
- (16) A vendor applicant, excluding chain stores and stores under a WIC corporate agreement that have a separate manager on site for each store, shall not have an owner who holds a financial interest in any of the following:

1		(a) a <u>SNAP FNS/SNAP</u> vendor that is disqualified from participation in <u>SNAP FNS/SNAP</u> or
2		has been assessed a civil money penalty for hardship in lieu of disqualification and the time
3		period during which the disqualification would have run, had a penalty not been paid, has
4		not expired; <mark>or</mark>
5		<del>or</del>
6		(b) another WIC vendor that is disqualified from participation in the WIC Program or has been
7		assessed a monetary or civil money penalty pursuant to G.S. 130A-22(c1), Paragraph (e)
8		or Paragraph (f) of Rule .0710 of this Section as the result of violation of Paragraphs (a)
9		or (b) of Rule .0710 of this Section and if assessed a penalty, the time during which the
10		disqualification would have run, had a penalty not been assessed, has not expired.
11		The requirements of this Item shall not be met by the transfer or conveyance of financial interest
12		during the period of disqualification. Additionally, the requirements of this Item shall not be met
13		even if such transfer or conveyance of financial interest in a SNAP FNS/SNAP vendor under Sub-
14		item (16)(a) of this Item ends the disqualification period applicable to that SNAP FNS/SNAP vendor
15		earlier than the disqualification period otherwise would have expired. The requirements of this Item
16		shall apply until the time the SNAP FNS/SNAP vendor disqualification otherwise would have
17		expired.
18	(17)	A vendor applicant, excluding free-standing pharmacies, shall have <u>SNAP FNS/SNAP</u> authorization
19		for the store as a prerequisite for WIC vendor authorization and shall provide its SNAP FNS/SNAP
20		authorization number to the State agency.
21	(18)	A vendor applicant shall not become authorized as a WIC vendor if the store has been disqualified
22		from participation in the WIC Program and the disqualification period has not expired. A vendor
23		applicant shall not be authorized as a WIC vendor if any of the vendor applicant's owner(s),
24		officer(s) or manager(s) currently has or previously had a financial interest in a WIC vendor that
25		was assessed a claim by the WIC Program and the claim has not been paid in full.
26	(19)	A vendor applicant shall enter into contract with the State WIC Program's EBT processor or a
27		certified third party processor prior to WIC authorization and comply with all requirements detailed
28		in the EBT or third party processor's Vendor Agreement.
29	(20)	A WIC Vendor Application shall include the following information:
30		(a) The store name, physical address, and hours of operation;
31		(b) The type of ownership under which the vendor operates;
32		(c) The names and contact information of owners or officers;
33		(d) Annual food sales data and percentages for the following tender types: cash, credit, debit,
34		SNAP FNS/SNAP, and WIC;
35		(e) The store's <u>SNAP FNS/SNAP</u> authorization number and history of <u>SNAP FNS/SNAP</u>
36		participation, if a retail grocery store; and
37		(f) Other information that the store is required to provide to the State agency in accordance

1		with <del>7 C.F.R. 246.12.</del> <u>7 C.F.R. 246.12.</u>
2	For a food retain	ler or free-standing pharmacy to participate in the WIC Program, a current WIC Vendor Agreement
3	shall be signed l	by the vendor, the local WIC agency, and the State agency. If an application for status as an authorized
4	WIC vendor is	denied, the applicant is entitled to an administrative appeal as described in Section .0800 of this
5	Subchapter.	
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7	History Note:	Authority G.S. 130A-361; 7 C.F.R. 246; 7 C.F.R. 246.12(g)(3); 7 C.F.R. 246.12(g)(3)(ii); 7 C.F.R.
8		246.12(h)(3)(xix); 7 C.F.R. 246.12(t); 42 U.S.C. 1786;
9		Eff. February 1, 2013;
10		Amended Eff. October 1, 2017;
11		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
12		23, 2017;
13		Amended Eff. <u>April 1, 2026;</u> March 1, 2020.

10A NCAC 43D .0708 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 10A NCAC 43D .0708 **AUTHORIZED VENDORS** By signing the WIC Vendor Agreement, the vendor agrees to: (1) Process WIC Program food benefits in accordance with the terms of the WIC Vendor Agreement and 42 U.S.C. 1786, 42 U.S.C. 1786, 7 C.F.R. 246.1 246.28, 7 C.F.R. 246, and the rules of this Subchapter; (2) Accept WIC eWIC Program food benefits in exchange for WIC supplemental foods. Supplemental foods are those foods that satisfy the requirements of 10A NCAC 43D .0501; (3) Provide to the WIC customer with only the approved supplemental foods, fruits, and vegetables contained in the authorized product list (APL) after it has been determined that the WIC customer has an available balance on the date of the transaction. The WIC customer is not required to get all of the supplemental foods listed on his or her food benefit balance. However, a WIC customer may obtain more fruits and vegetables than the full dollar value of his or her cash-value benefit if the WIC customer pays the difference, as set forth in 7—C.F.R. 246.12(h)(3)(xi); 7—C.F.R. 246.12(h)(3)(xi); (4) Transmit only the current shelf price of all WIC-approved supplemental foods purchased in the correct sizes, quantities, and the total dollar amount of all WIC-approved supplemental foods purchased in the EBT system and shall not charge or collect sales taxes for the supplemental food provided; Charge no more for supplemental food provided to a WIC customer than to a non-WIC customer or (5) no more than the current shelf price, whichever is less; (6) Accept payment from the State WIC Program only up to the maximum price set by the State agency for each supplemental food within that vendor's peer group. The maximum price for each supplemental food shall be based on the maximum prices set by the State agency for each supplemental food, as described in Sub-item (4)(a) of Rule .0707 of this Section. A request for payment submitted over the maximum price allowed by the State agency will only be paid up to the maximum price for that supplemental food; (7) Accept payment from the State WIC Program only up to the full dollar value of the cash-value benefit; (8) Not charge the State WIC Program more than the maximum price set by the State agency under Item (4)(a) of Rule .0707 of this Section for each supplemental food within the vendor's peer group; (9)Provide to WIC customers infant formula, exempt infant formula, and WIC eligible nutritionals

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Vendor Agreement;

purchased only from the sources specified in Item (3) of Rule .0707 of this Section. Providing infant

formula, exempt infant formula, or WIC eligible nutritionals that has have not been purchased from the sources specified in Item (3) of Rule .0707 of this Section shall result in termination of the WIC

- (10) For free-standing pharmacies, provide only exempt infant formula and WIC-eligible nutritionals;
- (11) Excluding free-standing pharmacies, redeem at least two thousand dollars (\$2,000) annually in WIC supplemental food sales. Failure to redeem at least two thousand dollars (\$2,000) annually in WIC supplemental food sales shall result in termination of the WIC Vendor Agreement. The store shall wait 180 days to reapply for authorization;
- (12) Ensure that a personal identification number (PIN) is used by the WIC customer to complete the EBT transaction in lieu of a signature;
- (13) Ensure that the WIC customer enters the PIN to initiate the EBT transaction. The vendor shall not enter the PIN for the WIC customer;
- (14) Not transact food benefits in <u>as a</u> whole or in part for cash, credit, unauthorized foods, or non-food items;
- (15) Not provide refunds or permit exchanges for authorized supplemental foods obtained with food benefits, except for exchanges of an identical authorized supplemental food when the original authorized supplemental food is defective, spoiled, or has exceeded its "sell by," "best if used by," or other date limiting the sale or use of the food. An "identical authorized supplemental food" means the exact brand, type and size as the original authorized supplemental food obtained and returned by the WIC customer;
- (16) Notify the local WIC agency of misuse (attempted or actual) of WIC Program food benefits;
- (17) Maintain a minimum inventory of supplemental foods in the store for purchase. Supplemental foods that are outside of the manufacturer's expiration date do not count towards meeting the minimum inventory requirement. Free-standing pharmacies are not required to maintain a minimum inventory of supplemental foods. The following items and sizes constitute the minimum inventory of supplemental foods for vendors:

Food Item	Type of Inventory	Quantities Required
Whole fluid: gallon		2 gallons
Milk	-and-	
	Skim/lowfat Skim/low fat fluid: gallon	6 gallons
Cheese	1 pound package	2 packages
Cereals	2 types: whole grain	6 packages total
Cercuis	(minimum package size 12 ounce)	
Eggs	Grade A, large, white:	2 dozen
Lggs	1 dozen size carton	
Juices	Single strength:	
Juice Juice	48 ounce container	4 containers
<u>suice</u>	64 ounce container	4 containers

	64 ounce: 2 varieties	<u>6 containers</u>
	1 pound package or 4 15-16 ounce cans: 2 varieties	2 packages-2 packages or 8
Dried Peas and Beans	1 pound package of 4 13-10 ounce cans. 2 varieties	cans OR 1 package and 4
<u>Legumes</u>		
	16 to 18 ounce container	<u>cans</u>
Peanut Butter	16 to 18 ounce container	2 containers
Tuna	5 to 6 ounce can	6 cans
Bread/Tortillas	16 to 24 ounce loaf of whole wheat/whole grain bread	2 loaves or 2 packages OR 1
Bread/Torullas	or package of tortillas	loaf and 1 package
Rice	14 to 16 ounce package	2 packages
Rice	14 to 24 ounce package, whole grain	
Infant Cereal	8 ounce box	6 boxes
Infant Fruits and	3.5 to 4 ounce container	64 ounces
Vegetables	1 type of fruit and 1 type of vegetable	
	milk-based powder; 11.0 to 14.0 ounce	8 cans
	-and-	
Infant Formula	soy-based powder; 11.0 to 14.0 ounce	4 cans
	Brands must be the primary contract infant formulas	
Fruits	14 to 16 ounce can: 2 varieties	10 cans total
Vegetables	14 to 16 ounce can: 2 3 varieties	10 cans total
(Excludes foods in		
Dried Peas and Beans		
<u>Legumes</u> category)		

All vendors, except free-standing pharmacies, shall supply milk or soy-based infant formula in 32 ounce ready-to-feed or powder within 48 hours of request by the State or local WIC agency. Free-standing pharmacies shall only supply exempt infant formula or WIC-eligible nutritionals. Free-standing pharmacies shall supply exempt infant formula or WIC-eligible nutritionals within 48 hours of a request;

- (18) Ensure that all supplemental foods in the store for purchase are within the manufacturer's expiration date;
- (19) Permit the purchase of supplemental food without requiring other purchases;
- (20) Comply with the following EBT provisions:

(a) Sign the WIC Vendor Agreement of the EBT Processor selected by the State WIC Program or a third-party processor that has been certified according to criteria established by the EBT Processor selected by the State WIC Program. Failure by a vendor to sign and retain

1		a WIC Vendor Agreement with the State WIC Program's EBT Processor or a third-party
2		processor that has been certified by the State WIC Program's EBT Processor shall result in
3		termination of the WIC Vendor Agreement. Vendors shall notify the WIC Program within
4		24 hours of any periods of time during which they do not maintain an Agreement with the
5		State WIC Program's EBT Processor or a third-party processor that has been certified by
6		the State WIC Program's EBT Processor;
7	(b)	Process EBT transactions in accordance with the terms of the North Carolina WIC Vendor
8		Agreement, WIC Program State Rules, federal regulations, and statutes;
9	(c)	Maintain Point of Sale (POS) terminals used to support the WIC Program in accordance
10		with the minimum lane provisions of 7 C.F.R. 246.12(z)(2); 7 C.F.R. 246.12(z)(2);
11	(d)	Maintain a North Carolina EBT Processor certified in-store EBT system that is available
12		for WIC redemption processing during all hours the store is open;
13	(e)	Request the North Carolina EBT Processor re-certify its in-store system if the vendor alters
14		or revises the system in any manner that impacts the EBT redemption or claims processing
15		system after initial certification is completed;
16	(f)	For vendors with integrated systems, obtain EBT card readers to support EBT transactions
17		within their store(s). The vendor shall ensure that the EBT card readers they obtain meets
18		meet all EBT and North Carolina EBT Processor requirements;
19	(g)	Require an owner, manager, or other authorized store representative to complete training
20		on WIC EBT procedures. The vendor shall ensure that all cashiers and staff are trained on
21		WIC EBT requirements, including training in the acceptance and processing of WIC EBT
22		transactions;
23	(h)	Require the WIC customer to approve the WIC transaction. Vendors shall ensure that the
24		vendor's staff does not approve the WIC transactions for WIC customers under any
25		circumstances;
26	(i)	Release supplemental food to WIC customers when the transaction has been completed to
27		include receipt of transaction approval by the EBT processing system, printing of the
28		receipt, and updated balance of the WIC customer's account;
29	(j)	Scan or manually enter Universal Product Codes (UPC) only from approved supplemental
30		foods being purchased by the WIC customer in the types, sizes, and quantities available on
31		the WIC customer's EBT account. The vendor shall not scan codes from UPC codebooks
32		or reference sheets;
33	(k)	Return any EBT card found on the vendor's property and unclaimed for 24 hours to the
34		WIC Program. The vendor shall not hold or use a WIC customer's EBT card and PIN for
35		any purpose whatsoever;

1 (1) Connect the vendor's in-store system for each outlet covered by the WIC Vendor agreement 2 to the State's WIC EBT system at least once each 24-hour period to download 3 reconciliation files and the WIC Authorized Product UPC/Product Look-Up (PLU) list. 4 (21) Attend, Attend or cause a manager or other authorized store representative to attend, annual vendor 5 training upon notification by the local WIC agency. Failure to attend annual vendor training by 6 September 30 of each year shall result in termination of the WIC Vendor Agreement; 7 (22)Inform and train vendor's cashiers and other staff on WIC Program requirements; 8 (23)Be accountable for the actions of its owners, officers, managers, agents, and employees who commit 9 vendor violations; 10 (24)Allow monitoring and inspection by State and local WIC Program staff of the store premises and 11 procedures to ensure compliance with the agreement and State, and federal WIC Program rules, 12 regulations, and applicable law. This includes providing access to all program-related records, 13 including access to all WIC food instruments and cash-value vouchers at the store; vendor records 14 pertinent to the purchase and sale of WIC supplemental foods, including invoices, receipts, copies 15 of purchase orders, and any other proofs of purchase; federal and state corporate and individual 16 income tax and sales and use tax returns and all records pertinent to these returns; and books and 17 records of all financial and business transactions. These records shall be retained by the vendor for 18 a period of three years or until any audit pertaining to these records is resolved, whichever is later. 19 Notwithstanding any other provision of this Rule and Rules .0707 and .0710 of this Section, failure 20 or inability to provide these records for an inventory audit or providing false records for an inventory 21 audit shall be deemed a violation of 7 C.F.R. 246.12(1)(1)(iii)(B) 7 C.F.R. 246.12(1)(1)(iii)(B) and 22 Subparagraph (a)(1) of Rule .0710 of this Section. Invoices, receipts, purchase orders, and any other 23 proofs of purchase for WIC supplemental foods shall include: 24 (a) the name of the seller and be prepared entirely by the seller without alteration by the vendor 25 or on the seller's business letterhead; 26 (b) the date of purchase and the date the authorized vendor received the WIC supplemental 27 food at the store if different from the date of purchase; and 28 (c) a description of each WIC supplemental food item purchased, including brand name, unit 29 size, type or form, and quantity; 30 (25)Maintain a record of all SNAP-eligible food sales and provide to the State agency upon request a 31 statement of the total amount of revenue derived from SNAP-eligible food sales and written 32 documentation to support the amount of sales claimed by the vendor, such as sales records, financial 33 statements, reports, tax documents, or other verifiable documentation; 34 (26)Submit a current completed WIC Price List when signing this agreement, and within two weeks of 35 any written request by the State or local WIC agency; 36 (27)Reimburse the State agency in full or agree to a repayment schedule with the State agency within

30 days of written notification of a claim assessed due to a vendor violation that affects payment to

37

- the vendor. Failure to reimburse the State agency in full or agree to a repayment schedule within 30 days of written notification of a claim shall result in termination of the WIC Vendor Agreement. Payment of a claim by the vendor for a vendor violation(s) shall not absolve the vendor of the violation(s). The vendor shall also be subject to any vendor sanctions authorized under Rule .0710 of this Section for the vendor violation(s);
- (28) Not seek restitution from the WIC customer for reimbursement paid by the vendor to the State agency or for WIC food benefits not paid or partially paid by the State agency. Additionally, the vendor shall not charge the WIC customer for authorized supplemental foods obtained with food benefits;

- (29) Not contact a WIC customer outside the store regarding the transaction or redemption of WIC food benefits;
- (30) Notify the local WIC agency in writing at least 30 days prior to a change of ownership, change in store location, cessation of operations, or withdrawal from the WIC Program. Change of ownership, change in store location of more than three miles from the store's previous location, cessation of operations, withdrawal from the WIC Program, or disqualification from the WIC Program shall result in termination of the WIC Vendor Agreement by the State agency. Change of ownership, change in store location, ceasing operations, withdrawal from the WIC Program, or nonrenewal of the WIC Vendor Agreement shall not stop a disqualification period applicable to the store;
- (31) Not discriminate on the basis of WIC participation, such as failing to offer WIC customers the same courtesies, as set forth in 7 C.F.R. 246.12(h)(3)(iii), 7 C.F.R. 246.12(h)(3)(iii), offered to other customers or requiring separate WIC lines;
- Reapply to continue to be authorized beyond the period of its current WIC Vendor Agreement. Additionally, a store shall reapply to become authorized following the expiration of a disqualification period or termination of the Agreement. In all cases, the vendor applicant is subject to the vendor peer group criteria set forth in 7-CFR 246.12(g)(4), 7-CFR 246.12(g)(4), 7-CFR 246.12(g)(4), 7-CFR 246.12(h)(3), 7-CFR 246.12(h)(3), and the vendor selection criteria of Rule .0707 of this Section; and
- (33) Comply with all the requirements for vendor applicants of Items (3), (4), and (7) through (17), and (19) of Rule .0707 of this Section throughout the term of authorization. The State agency may reassess a vendor at any time during the vendor's period of authorization to determine compliance with these requirements. The State agency shall terminate the WIC Vendor Agreement of any vendor that fails to comply with Items (3), (4), (8), (9), (10), (11), (12), (13), (14), (16), (17), or (19) of Rule .0707 of this Section during the vendor's period of authorization, authorization and terminate the agreement of or sanction or both any vendor that fails to comply with Items (7), (15), (17), or (19) of Rule .0707 of this Section during the vendor's period of authorization.

1 (34) Permit the State agency to reassess the peer group designation at any time during the vendor's 2 agreement period and place the vendor in a different peer group if upon reassessment the State 3 agency determines that the vendor is no longer in the appropriate peer group. 4 5 History Note: Authority G.S. 130A-361; 7 C.F.R. 246.12; 42 U.S.C. 1786; 6 Eff. March 1, 2013; 7 Amended Eff. October 1, 2017; 8 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 9 23, 2017; 10 Amended Eff. April 1, 2026; March 1, 2020; July 1, 2018.

1	10A NCAC 43I	0.0709 is amended with changes as published in 39:23 NCR 1502-1516 as follows:
2		
3	10A NCAC 431	D .0709 LOCAL WIC AGENCY
4	By signing the	WIC Vendor Agreement, the local WIC agency agrees to the following:
5	(1)	Provide annual vendor training on WIC procedures and rules;
6	(2)	Conduct routine monitoring, as set forth in 7-C.F.R. 246.2 7 C.F.R. 246.2 and 7-C.F.R. 246.12(j)(2),
7		7 C.F.R. 246.12(j)(2), of the vendor's performance under the agreement to ensure compliance with
8		the agreement and state and federal WIC program rules, regulations, and applicable law. A minimum
9		of one-third of all authorized vendors shall be monitored within a fiscal year (October 1 through
10		September 30) and all vendors shall be monitored at least once within three consecutive fiscal years.
11		Any vendor shall be monitored within one week of written request by the state agency;
12	(3)	Provide vendors with directions on how to access the North Carolina WIC Vendor Manual, Manual
13		online at https://www.ncdhhs.gov/wicvendorsconnection, all Vendor Manual amendments, blank
14		WIC Price Lists, and the authorized WIC vendor stamp [id] ID indicated on the signature page of
15		the WIC Vendor Agreement; and
16	(4)	Assist the vendor with questions which may arise under the agreement or through the vendor's
17		participation in the WIC Program.
18		
19	History Note:	Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;
20		Eff. February 1, 2013;
21		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
22		23, <del>2017.</del> <u>2017:</u>
23		Amended Eff. April 1, 2026.

1 10A NCAC 43D .0804 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0804 CONTINUATION OF PARTICIPATION Except as provided in 42 U.S.C. 1786(o)(2) 42 U.S.C. 1786(o)(2) and 7 C.F.R. 246.18(a)(2) 7 C.F.R. 246.18(a)(2) 4 5 and (a)(3)(iii), (a)(3)(iii), the participation of a local WIC agency or authorized WIC vendor in the WIC program may 6 continue during an administrative appeal. Except as provided in 42 U.S.C. 1786(o)(2) 42 U.S.C. 1786(o)(2) and 7 7 C.F.R. 246.18(a)(2) 7 C.F.R. 246.18(a)(2) and  $\frac{(a)(3)(iii)}{(a)(3)(iii)}$ , the adverse action shall become effective upon 8 issuance of a final agency decision pursuant to G.S. 150B 36 G.S. 150B 42 G.S. 150B-42 which upholds the adverse 9 action. 10 11 History Note: Authority G.S. 130A-361; 7 C.F.R. 246.18; 42 U.S.C. 1786; 12 Eff. July 1, 1981; 13 Amended Eff. July 1, 1986; 14 Temporary Amendment Eff. July 1, 2002; 15 Amended Eff. July 1, 2004; 16 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 17 23, <del>2017.</del> <u>2017;</u> 18 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0902 is amended with changes as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0902 **GENERAL CONDITIONS** This Section shall be carried out in accordance with 7 C.F.R. 246.9 7 C.F.R. 246.9 and G.S. 150B-22. The fair 4 5 hearing procedures set out in this Section establish an informal dispute resolution process which must be complied 6 with prior to making a formal appeal in accordance with G.S. 150B. 7 For the purposes of this Section, agency official shall mean the Branch Head of the Nutrition Services Branch 8 Assistant Director for the Division of Child and Family Well-Being, Community Nutrition Services Section or his or 9 her designee. 10 11 History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786; 12 Eff. July 1, 1981; 13 Amended Eff. December 6, 1991; November 1, 1990; July 1, 1987; 14 Temporary Amendment Eff. July 1, 2002; 15 Amended Eff. July 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16 23, <del>2017.</del> <u>2017;</u> 17 18 Amended Eff. April 1, 2026.

1	10A NCAC 431	D .0904 is amended as published in 39:23 NCR 1502-1516 as follows:
2		
3	10A NCAC 43	D .0904 NOTIFICATION OF THE RIGHT TO A FAIR HEARING
4	(a) Every curre	ent or potential WIC participant shall be informed by the local WIC agency of his or her right to a fair
5	hearing:	
6	(1)	in writing at the time of application;
7	(2)	in writing whenever he or she is determined ineligible;
8	(3)	in writing if disqualified due to abuse of the program;
9	(4)	in writing at the time of assessment of a claim for repayment of the cash value of improperly issued
10		Program benefits; and
11	(5)	orally or in writing at least 15 days before the expiration of each certification period.
12	(b) The conten	t of the notice of fair hearing shall include:
13	(1)	a statement of the right to a fair hearing;
14	(2)	the method by which a fair hearing may be requested, including the time limit; and
15	(3)	who may represent the individual.
16	<u>(4)</u>	the civil rights statement
17	(c) In order to	notify current and potential participants of the fair hearing process, a simplified summary of the steps
18	involved in ob	taining a fair hearing shall be posted in a visible place at every WIC site where certifications are
19	performed, <del>food</del>	linstruments eWIC benefits are issued or applications are accepted. This notification shall contain:
20	(1)	notice of right to a fair hearing;
21	(2)	a simplified explanation of the definition and purpose of a fair hearing;
22	(3)	the method by which a fair hearing may be requested, including the time limit; and
23	(4)	who may represent the individual at the fair hearing and in requesting a fair hearing.
24		
25	History Note:	Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
26		Eff. July 1, 1981;
27		Temporary Amendment Eff. July 1, 2002;
28		Amended Eff. July 1, 2004;
29		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
30		23, <del>2017.</del> <u>2017;</u>
31		Amended Eff. April 1, 2026.

1	TUA NCAC 43	D .0903	is amende	ed with changes as published in 39:23 NCR 1302-1316 as follows:
2				
3	10A NCAC 43	D .0905	REQU	JEST FOR A FAIR HEARING
4	a) A request f	or a fair	hearing is	s any expression that conveys a desire to present a case contesting an action that
5	results in an individual's denial of participation, or disqualification from the program or a claim against an individua			participation, or disqualification from the program or a claim against an individual
6	for repayment	of the ca	ısh value	of improperly issued Program benefits. This request may be made to any of the
7	following:			
8	(1)	the ag	ency offic	cial;
9	(2)	the ag	ency dire	ctor of the local WIC agency;
10	(3)	the W	IC directo	or of the local WIC agency;
11	(4)	any p	erson serv	ving in one of the above three roles in the absence of the agency official, agency
12		direct	or or WIC	C director.
13	b) If the reque	st is not 1	nade dire	ectly to the agency official, the individual receiving the request shall immediately
14	notify the age	ncy offic	ial of the	request by telephone. email.
15	c) All requests	shall be	documen	ted in writing.
16	(1)	If the	original	request is made in writing, the individual receiving the request shall retain
17		a pho	tocopy an	d send the original copy to the agency official immediately following the
18		teleph	one call.	immediately.
19	(2)	If a ve	erbal requ	est is received, the individual receiving the request shall document the request in
20		writin	g, includi	ing:
21		(A)	the ap	plicant's or participant's name;
22		(B)	the na	me of the individual making the request:
23			(i)	their mailing address;
24			(ii)	telephone number; and
25			(iii)	relation to the applicant or participant;
26		(C)	the da	te of the request; and
27		(D)	the car	use for the request along with the name, title, and signature of the person writing
28			the do	cumentation.
29	The original of	<del>copy of t</del>	<del>his docun</del>	nentation shall be sent to the official agency immediately following the telephone
30	call with a co	<del>py being</del>	<del>retained l</del>	sy the sender.
31	d) The reque	st for a f	air hearin	g may be made by the individual affected by the action or the individual's parent,
32	caretaker, or a	any other	person ac	cting on his or her behalf.
33	e) If an indiv	idual or	an indivi	dual's parent, caretaker, or any other person acting on his or her behalf expresses
34	verbally the desire for a fair hearing to a state or local agency staff member not authorized to accept a request, the			
35	staff member	shall pro	vide assis	stance in contacting the individuals who can accept a fair hearing request.
36	f) The reques	st for a fa	ir hearing	g must be made within 60 days from the date the applicant or participant is given
37	notice of the action. If the notification is mailed, this time period shall begin on the date the notification was mailed			

1		
2	History Note:	Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
3		Eff. July 1, 1981;
4		Amended Eff. November 1, 1990;
5		Temporary Amendment Eff. July 1, 2002;
6		Amended Eff. July 1, 2004;
7		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
8		<i>23</i> , <del>2017.</del> <u>2017:</u>
9		Amended Eff. April 1, 2026.

1	10A NCAC 43I	0.0906 is amended with changes as published in 39:23 NCR 1502-1516 as follows:
2		
3	10A NCAC 431	D .0906 DENIAL OR DISMISSAL OF A REQUEST
4	The hearing offi	icer shall deny or dismiss a hearing if:
5	(1)	the request is not received within 60 days of the date of notification of the action;
6	(2)	the request is withdrawn in writing by the appellant or his or her their representative;
7	(3)	the request is verbally withdrawn by the appellant or the appellant's parent, caretaker, or any other
8		person acting on his or her behalf during conversation with the agency Official. Within 10 days of
9		this verbal withdrawal request the agency official shall send a letter to the appellant and the local
10		WIC agency summarizing the events which lead to the withdrawal of the request. This letter shall
11		include notification of the appellant's right to reinstate the request for a fair hearing;
12	(4)	the appellant or the appellant's parent, caretaker, or any other person acting on his or her their behalf
13		fails to appear at the scheduled hearing, unless the failure to appear was due to circumstances beyond
14		the control of the appellant or his or her their representative;
15	(5)	the request is made in reference to the tailoring of the food package; or
16	(6)	the initial action assessing a claim for the cash value of improperly issued Program benefits or
17		denying participation or disqualifying from the program has been reversed by the local WIC agency
18		or the state agency, resulting in the provision of program benefits to the appellant.
19	<u>(7)</u>	the individual has been denied participation by a previous hearing and cannot provide evidence that
20		circumstances relevant to Program eligibility have changed in such a way as to justify a hearing.
21		
22	History Note:	Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
23		Eff. July 1, 1981;
24		Amended Eff. November 1, 1990;
25		Temporary Amendment Eff. July 1, 2002;
26		Amended Eff. July 1, 2004;
27		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
28		23, <del>2017.</del> <u>2017:</u>
29		Amended Eff. April 1, 2026.

1	10A NCAC 43E	0.0907 is amended as published in 39:23 NCR 1502-1516 as follows:
2		
3	10A NCAC 43I	0.0907 CONTINUATION OF BENEFITS
4	(a) WIC program	n benefits shall be continued during the appeal of the following actions when the request for a hearing
5	is received withi	in 15 days of notification of the action:
6	(1)	disqualification from the program for abuse during a certification period; or
7	(2)	determination of ineligibility during a certification period due to eategorical ineligibility or
8		residential ineligibility; or a change in income eligibility or residential eligibility.
9	(3)	other terminations during a certification period.
10	(b) WIC progra	m benefits shall not be continued when a fair hearing is requested:
11	(1)	in any of the situations in Paragraph (a) of this Rule if the request is made more than 15 days after
12		the date of notification; or
13	<u>(2)</u>	by determination of ineligibility during a certification period due to categorical ineligibility; or
14	<del>(2)</del> (3)	by applicants who are denied benefits at the initial or subsequent determination of WIC eligibility
15		if the previous certification period has expired.
16	(c) When benef	its are continued due to a request for a fair hearing as specified above, the individual shall continue to
17	receive benefits	until an adverse hearing decision is reached or the certification period expires, whichever occurs first.
18		
19	History Note:	Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
20		Eff. July 1, 1981;
21		Temporary Amendment Eff. July 1, 2002;
22		Amended Eff. July 1, 2004;
23		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
24		<i>23</i> , <del>2017.</del> <u>2017:</u>
25		Amended Eff. April 1, 2026.

1 10A NCAC 43D .0908 is amended as published in 39:23 NCR 1502-1516 as follows:

2

### 10A NCAC 43D .0908 NOTICE OF HEARING

- 4 (a) The local or State agency official shall notify the appellant, or his or her representative, the local WIC agency,
- 5 and the Nutrition Services Branch Community Nutrition Services Section in writing that a request for a hearing has
- 6 been received.
- 7 (b) Notice of the date, time, date, and place of the hearing shall be given to all parties at least 10 days in advance
- 8 of the hearing.
- 9 (c) The notice to the appellant, or his or her representative, shall include a stamped envelope with the return address
- of the agency official with a request that it be returned for response using the stamped envelope or by email indicating
- whether the date, time, date, and place for the hearing is satisfactory. If a response is not received at least 72 24
- hours prior to the time proposed for the hearing, it shall be assumed that the date, time, time, date, and place are
- 13 satisfactory.
- 14 (d) The notice shall contain:
- 15 (1) an explanation of the procedure for the hearing;
- 16 (2) a statement of the date, hour, time, date, place and nature of the hearing;
- 17 (3) a reference to the particular sections of the statutes and rules involved; and
- 18 (4) a statement of the factual allegations.
- 19 (e) If the appellant, or his or her representative, indicates that he or she desires another time and date, the agency
- 20 official shall set a new time and date for the hearing. The hearing shall be accessible to the appellant, or his or her
- 21 representative.
- 22 (f) The hearing shall be held within 21 days from the date the agency official receives the request.

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- History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
- 25 Eff. July 1, 1981;
- 26 Amended Eff. November 1, 1990;
- 27 Temporary Amendment Eff. July 1, 2002;
- 28 Amended Eff. July 1, 2004;
- 29 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
- 30 23, 2017;
- 31 Amended Eff. <u>April 1, 2026</u>; March 1, 2020.

1 10A NCAC 43D .0909 is amended as published in 39:23 NCR 1502-1516 as follows: 2 3 10A NCAC 43D .0909 **HEARING OFFICER** 4 The Director of the Division of Public Health Division of Child and Family Well-Being shall designate a representative 5 who did not participate in taking the action under appeal to be the hearing officer. The hearing officer shall: 6 preside over the informal proceeding; (1) 7 (2) ensure that all relevant issues are considered; 8 (3) request, receive and insert into the hearing record all evidence determined necessary to reach a 9 decision; 10 (4) conduct the meeting in accordance with due process and ensure an orderly hearing; 11 (5) order, if relevant and necessary, an independent medical assessment or professional evaluation for 12 the appellant from a source mutually satisfactory to all parties to the hearing; and 13 (6) issue a decision. 14 15 Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786; History Note: 16 Eff. July 1, 1981; Amended Eff. July 1, 1995; July 1, 1987; 17 18 Temporary Amendment Eff. July 1, 2002; 19 Amended Eff. July 1, 2004; 20 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 21 23, <del>2017.</del> <u>2017;</u> 22 Amended Eff. April 1, 2026.

1 10A NCAC 43D .0911 is amended with changes as published in 39:23 NCR 1502-1516 as follows:

2

### 10A NCAC 43D .0911 DECISION

- 4 (a) The fair hearing decision shall be made by the hearing official and shall be based only on the oral and documentary
- 5 evidence presented at the hearing and applicable state statutes and rules, and federal laws and regulations and shall be
- 6 made a as part of the hearing record by the hearing officer.
- 7 (b) The hearing official shall notify in writing the aggrieved party, any designated representative of the aggrieved
- 8 party, the local WIC agency and the Nutrition Services Branch Community Nutrition Services Section of the decision
- 9 within 45 days from the date of the request for the hearing.
- 10 (c) If the decision is in favor of the aggrieved party and benefits were denied or discontinued, benefits shall begin
- 11 within two business days after the issuance of the decision.
- 12 (d) If the decision is in favor of the agency, as soon as administratively feasible any continued benefits shall be
- terminated as decided by the hearing official.
- 14 (e) The hearing officer shall prepare a recording of testimony and exhibits, or an official report containing the
- substance of what transpired at the hearing which, together with all papers and requests filed in the proceeding and
- the written fair hearing decision, shall constitute the exclusive hearing record.
- 17 (f) If the fair hearing results are unsatisfactory to the aggrieved party, they may petition for judicial review in Superior
- 18 Court.
- 19 (fg) The decision shall be binding on the local WIC agency.
- 20 (<u>g h</u>) All hearing records shall be retained for three years.
- 21 (h i) Upon request by any member of the public a copy of all hearing records and decisions in a form that does not
- 22 identify individuals (appellant or local agency) shall be prepared by the Nutrition Services Branch Community
- 23 <u>Nutrition Services Section</u> and be available for inspection and copying.

24

- 25 History Note: Authority G.S. 130A-361; 150B-22; 7 C.F.R. 246.9; 42 U.S.C. 1786;
- 26 Eff. July 1, 1981;
- 27 Amended Eff. December 6, 1991;
- 28 Temporary Amendment Eff. July 1, 2002;
- 29 Amended Eff. July 1, 2004;
- 30 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
- 31 *23, <del>2017.</del> <u>2017:</u>*
- 32 <u>Amended Eff. April 1, 2026.</u>

1. Rule-Making Agency: Commission for Public Health					
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0201 Description					
3. Action:	DEADORTION DEDEAT AL DEADORTION				
<b>☐</b> ADOPTION <b>☐</b> AMENDMENT <b>☐</b> REPEAL <b>☐</b> 4. Rule exempt from RRC review?	READOPTION REPEAL through READOPTION  5 Puls outcometically subject to legislative region?				
l	5. Rule automatically subject to legislative review?				
Yes. Cite authority:	Yes. Cite authority:				
⊠ No	⊠ No				
6. Notice for Proposed Rule:					
<b>⊠</b> Notice Required					
Notice of Text published on: June 2, 2025					
Link to Agency notice: https://cph.dph.ncdhhs.gov/					
Hearing on: June 17, 2025  The requirements listed in C.S. 150R 10 1(c)(1) (5) was	e posted on the agency's Web site no later than the publication				
date of the notice of text in the N.C. Register.	e posted on the agency's web site no later than the publication				
Adoption by Agency on: August 6, 2025					
Notice not required under G.S.:					
Adoption by Agency on:					
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.				
□ Vos	☐ This Rule was part of a combined analysis.				
☐ Yes Agency submitted request for consultation on:	<b>⊠</b> State funds affected				
Consultation not required. Cite authority:	<b>□</b> Local funds affected				
consultation not required. One authority.	Substantial economic impact (≥\$1,000,000)				
⊠ No	Approved by OSBM				
A DELCC	No fiscal note required				
	ON FOR ACTION				
9A. What prompted this action? Check all that apply:  Agency	☐ Legislation enacted by the General Assembly				
Court order / cite:	Cite Session Law:				
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making				
Federal regulation / cite: 7 CFR Part 246					
9B. Explain: The United States Department of Agriculture, F	ood and Nutrition Services made updates to the federal Special				
	dren (WIC) food package rules. The changes require more diverse				
	eds are met based on the latest dietary guidelines. The required WIC				
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.				
The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.					
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:				
Phone: 984-800-1117	Rayel				
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this				
2-141411. Taj.premakamar@dinis.ne.gov	form is true and accurate to the best of my knowledge.				
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.				
	*If this function has been delegated (reassigned) pursuant to				
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.				
E-Mail:					
	Typed Name: Raj Premakumar				
DDC AND	Title: Commission for Public Health Rulemaking Coordinator				
RRC ANL Action taken:	O OAH USE ONLY				
RRC extended period of review:					
RRC determined substantial changes:					
Withdrawn by agency					
☐ Subject to Legislative Review ☐ Other:					
L Ould.					

1. Rule-Making Agency: Commission for Public Health					
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0202 Definitions					
3. Action:					
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION				
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?				
Yes. Cite authority:	Yes. Cite authority:				
⊠ No	No No				
6. Notice for Proposed Rule:					
Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/					
Hearing on: June 17, 2025  ☐ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.  Adoption by Agency on: August 6, 2025  ☐ Notice not required under G.S.:					
Adoption by Agency on:	9 Figgal impact Charle all that apply				
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.				
Yes	This Rule was part of a combined analysis.				
Agency submitted request for consultation on:	<ul> <li>         ⊠ State funds affected          ∑ Local funds affected      </li> </ul>				
Consultation not required. Cite authority:	<ul><li>∠ Local funds affected</li><li>☐ Substantial economic impact (≥\$1,000,000)</li></ul>				
	Approved by OSBM				
⊠ No	No fiscal note required				
9. REASO 9A. What prompted this action? Check all that apply:	ON FOR ACTION				
⊠ Agency	☐ Legislation enacted by the General Assembly				
Court order / cite:	Cite Session Law:				
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making				
<ul> <li>✓ Federal regulation / cite: 7 CFR Part 246</li> <li>✓ Other:</li> <li>9B. Explain: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special</li> </ul>					
	dren (WIC) food package rules. The changes require more diverse eds are met based on the latest dietary guidelines. The required WIC				
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.				
The Commission for Public Health has amended its rules for the					
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:				
g	Rayel				
Phone: 984-800-1117					
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this				
	form is true and accurate to the best of my knowledge.				
Additional agency contact, if any:					
Phone:	*If this function has been delegated (reassigned) pursuant to				
E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.				
2 11444	Typed Name: Raj Premakumar				
	Title: Commission for Public Health Rulemaking Coordinator				
RRC AND OAH USE ONLY					
Action taken:					
RRC extended period of review:  RRC determined substantial changes:					
Withdrawn by agency					
Subject to Legislative Review					
Other:					

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0203 References		
3. Action:		
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	No No	
6. Notice for Proposed Rule:		
Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025		
<ul> <li>☑ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.         Adoption by Agency on: August 6, 2025     </li> <li>☑ Notice not required under G.S.:</li> </ul>		
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
<ul> <li>Yes</li> <li>Agency submitted request for consultation on:</li> <li>Consultation not required. Cite authority:</li> <li>No</li> </ul>	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> <li>☐ Approved by OSBM</li> </ul>	
	No fiscal note required	
9A. What prompted this action? Check all that apply:    Agency		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
Phone: 984-800-1117	Rayel	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
	O OAH USE ONLY	
Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review Other:		

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0204 Contract with FNS	
3. Action: □ ADOPTION ⊠ AMENDMENT □ REPEAL □	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	READOPTION REPEAL through READOPTION  5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
No No	No No
6. Notice for Proposed Rule:	
•	
Notice Required	
Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/	
Hearing on: June 17, 2025	
	e posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	
Adoption by Agency on: August 6, 2025	
Notice not required under G.S.:	
Adoption by Agency on: 7. Rule establishes or increases a fee? (See G.S. 12-3.1)	9 Figgal impact Charle all that apply
7. Rule establishes of increases a fee: (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
Yes	This Rule was part of a combined analysis.
Agency submitted request for consultation on:	<ul> <li>         ⊠ State funds affected          ∑ Local funds affected      </li> </ul>
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)
	Approved by OSBM
⊠ No	No fiscal note required
9. REASO	ON FOR ACTION
9A. What prompted this action? Check all that apply:	
Agency	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	☐ Other: ood and Nutrition Services made updates to the federal Special
	dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	ne WIC program in compliance with these requirements.
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
DI 004 000 1117	Rayel
Phone: 984-800-1117  E-Mail: raj.premakumar@dhhs.nc.gov	
E-Wan: Taj.premakumar@dmis.nc.gov	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.
Additional agency contact, if any:	for m is true and accurate to the best of my knowledge.
	*If this function has been delegated (reassigned) pursuant to
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	
	Typed Name: Raj Premakumar
DDC AND	Title: Commission for Public Health Rulemaking Coordinator O OAH USE ONLY
Action taken:	O OAH USE UNL I
RRC extended period of review:	
RRC determined substantial changes:	
☐ Withdrawn by agency ☐ Subject to Legislative Review	
Other:	

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0205 Policies: Guidelines and Manuals
3. Action:	
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
⊠ No	⊠ No
6. Notice for Proposed Rule:	
Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025	
	re posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	
Adoption by Agency on: August 6, 2025	
Notice not required under G.S.:	
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
7. Rule establishes of increases a fee. (See G.S. 12-5.1)	
☐ Yes	☐ This Rule was part of a combined analysis. ☐ State funds affected
Agency submitted request for consultation on:	Local funds affected  Local funds affected
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)
⊠ No	Approved by OSBM
N0	No fiscal note required
	ON FOR ACTION
9A. What prompted this action? Check all that apply:	
Agency	Legislation enacted by the General Assembly
☐ Court order / cite: ☐ Federal statute / cite: 42 U.S.C. 1786	Cite Session Law:  Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	Other:
	ood and Nutrition Services made updates to the federal Special
	dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	ne wie program in compinance with these requirements.
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
10. Kulemaking Coordinator. Raj Fremakumai	Ray el
<b>Phone:</b> 984-800-1117	104
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
	form is true and accurate to the best of my knowledge.
Additional agency contact, if any:	
Phone:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	G.S. 145b-10(a), submit a copy of the delegation with this form.
	Typed Name: Raj Premakumar
	Title: Commission for Public Health Rulemaking Coordinator
	O OAH USE ONLY
Action taken:  RRC extended period of review:	
RRC determined substantial changes:	
☐ Withdrawn by agency	
Subject to Legislative Review Other:	

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0207 Local Agency Agreement and Budget	
3. Action:	DEADORTION DEPENDANT DEADORTION	
A Dule oxympt from DDC various?	READOPTION REPEAL through READOPTION  5. Puls outpostically subject to logislative review?	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	⊠ No	
6. Notice for Proposed Rule:		
Notice Required Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025		
<ul> <li>☑ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.         Adoption by Agency on: August 6, 2025     </li> <li>☑ Notice not required under G.S.:</li> </ul>		
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> <li>☐ Approved by OSBM</li> </ul>	
⊠ No	No fiscal note required	
9A. What prompted this action? Check all that apply:    Agency		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
<b>Phone:</b> 984-800-1117	Rayel	
<b>E-Mail:</b> raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
nno ave	Title: Commission for Public Health Rulemaking Coordinator	
Action taken:	O OAH USE ONLY	
RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review Other:		

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0304 Expansion of Local WIC Programs
3. Action:	
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
⊠ No	⊠ No
6. Notice for Proposed Rule:	
<b>⊠</b> Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/	
Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19 1(c)(1)-(5) were	e posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	e posted on the agency s web site no later than the publication
Adoption by Agency on: August 6, 2025	
☐ Notice not required under G.S.:	
Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
Yes	☐ This Rule was part of a combined analysis.
Agency submitted request for consultation on:	State funds affected
Consultation not required. Cite authority:	Local funds affected
·	Substantial economic impact (≥\$1,000,000) Approved by OSBM
⊠ No	No fiscal note required
9. REASO	ON FOR ACTION
9A. What prompted this action? Check all that apply:	on to the flow
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	U Other:
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
	Rayel
Phone: 984-800-1117	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.
Additional agency contact, if any.	*If this function has been delegated (reassigned) pursuant to
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	G.S. 1 10D 10(a), submit a copy of the delegation with this form.
	Typed Name: Raj Premakumar
	Title: Commission for Public Health Rulemaking Coordinator
	O OAH USE ONLY
Action taken:  RRC extended period of review:	
RRC determined substantial changes:	
☐ Withdrawn by agency	
Subject to Legislative Review Other:	
L Ould.	

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0410 Participation Violations and Sanctions	
3. Action:  ☐ ADOPTION ☑ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
<ul><li>☐ Yes. Cite authority:</li><li>☒ No</li></ul>	☐ Yes. Cite authority: ☑ No	
6. Notice for Proposed Rule:		
<ul> <li>Notice Required         Notice of Text published on: June 2, 2025         Link to Agency notice: https://cph.dph.ncdhhs.gov/         Hearing on: June 17, 2025     </li> <li>         The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register.         Adoption by Agency on: August 6, 2025     </li> <li>         Notice not required under G.S.:         Adoption by Agency on:</li> </ul>		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> </ul>	
⊠ No	<ul> <li>☑ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>	
9A. What prompted this action? Check all that apply:  Agency Court order / cite: Cite Session Law: Federal statute / cite: 42 U.S.C. 1786 Petition for rule-making Federal regulation / cite: 7 CFR Part 246 Other:  9B. Explain: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
Phone: 984-800-1117 E-Mail: raj.premakumar@dhhs.nc.gov	Rayel	
Additional agency contact, if any:	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.	
Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency Subject to Legislative Review Other:		

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0411 Dual Participation
3. Action:  ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
No No	No No
6. Notice for Proposed Rule:	
•	
Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025	
	re posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	o possess on the agency o west site no inter-time the parameter
Adoption by Agency on: August 6, 2025	
☐ Notice not required under G.S.:	
Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
Yes	☐ This Rule was part of a combined analysis.
Agency submitted request for consultation on:	<b>∑</b> State funds affected
Consultation not required. Cite authority:	<b>☐</b> Local funds affected
	Substantial economic impact (≥\$1,000,000)
⊠ No	<ul> <li>☑ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>
0 DEASC	ON FOR ACTION
94. What prompted this action? Check all that apply:	ON FOR ACTION
Agency	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	Other:
	ood and Nutrition Services made updates to the federal Special
	dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	ne wic program in compilance with these requirements.
10 D 1 1 C 1	11 C' / C H H D L L' C L' /
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
<b>Phone:</b> 984-800-1117	Rayel
<b>E-Mail:</b> raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
2 11-man 1-mj.promanaman @ mansino.ge /	form is true and accurate to the best of my knowledge.
Additional agency contact, if any:	Toom is or the time thousand to the cool or my minerage.
	*If this function has been delegated (reassigned) pursuant to
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	
	Typed Name: Raj Premakumar  Tidas Commission for Public Health Pulamaking Coordinator
DDC AND	Title: Commission for Public Health Rulemaking Coordinator O OAH USE ONLY
Action taken:	OAH USE UNLI
RRC extended period of review:	
RRC determined substantial changes:	
Withdrawn by agency	
Subject to Legislative Review Other:	
_ <del>_</del>	

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0501 WIC Program Food Package
3. Action:	
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
⊠ No	⊠ No
6. Notice for Proposed Rule:	
Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025	
	re posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	
Adoption by Agency on: August 6, 2025	
Notice not required under G.S.:	
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
7. Rule establishes of increases a fee. (See G.S. 12-5.1)	
☐ Yes	☐ This Rule was part of a combined analysis. ☐ State funds affected
Agency submitted request for consultation on:	Local funds affected  Local funds affected
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)
⊠ No	Approved by OSBM
N0	No fiscal note required
	ON FOR ACTION
9A. What prompted this action? Check all that apply:	
Agency	Legislation enacted by the General Assembly
☐ Court order / cite: ☐ Federal statute / cite: 42 U.S.C. 1786	Cite Session Law:  Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	Other:
	ood and Nutrition Services made updates to the federal Special
	dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
Food Package changes are required to be implemented by Apr The Commission for Public Health has amended its rules for the	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Public Health has amended its rules for the	ne wie program in compinance with these requirements.
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
10. Kulemaking Coordinator. Raj Fremakumai	Ray el
<b>Phone:</b> 984-800-1117	Regent
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
	form is true and accurate to the best of my knowledge.
Additional agency contact, if any:	
Phone:	*If this function has been delegated (reassigned) pursuant to
E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.
	Typed Name: Raj Premakumar
	Title: Commission for Public Health Rulemaking Coordinator
	O OAH USE ONLY
Action taken:  RRC extended period of review:	
RRC extended period of review:  RRC determined substantial changes:	
☐ Withdrawn by agency	
Subject to Legislative Review Other:	
L Ouici.	

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0702 Issuance of Food Benefits	
3. Action:		
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	⊠ No	
6. Notice for Proposed Rule:		
<b>⊠</b> Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025  The requirements listed in G.S. 150B-19 1(c)(1)-(5) were	e posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.	e posted on the agency s web site no later than the publication	
Adoption by Agency on: August 6, 2025		
☐ Notice not required under G.S.:		
Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes	☐ This Rule was part of a combined analysis.	
Agency submitted request for consultation on:	State funds affected	
Consultation not required. Cite authority:	Local funds affected	
	Substantial economic impact (≥\$1,000,000) Approved by OSBM	
⊠ No	No fiscal note required	
9. REASO	ON FOR ACTION	
9A. What prompted this action? Check all that apply:	711 TOR 11011	
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making	
Federal regulation / cite: 7 CFR Part 246	U Other:	
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
,	Rayel	
<b>Phone:</b> 984-800-1117		
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
Additional agency contact, if any.	*If this function has been delegated (reassigned) pursuant to	
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:	G.S. 1 10D 10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
	O OAH USE ONLY	
Action taken:  RRC extended period of review:		
RRC determined substantial changes:		
☐ Withdrawn by agency		
Subject to Legislative Review Other:		
LI Olio.		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0707 Vendor Applicants	
3. Action:	DEADORTION DEPEND A LIBEADORTION	
A Dark annual from DDC annian 2	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	⊠ No	
6. Notice for Proposed Rule:		
Notice Required Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025		
	re posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.	response to the second	
Adoption by Agency on: August 6, 2025		
☐ Notice not required under G.S.:		
Adoption by Agency on:	T	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes	This Rule was part of a combined analysis.	
Agency submitted request for consultation on:	State funds affected	
Consultation not required. Cite authority:	Local funds affected	
	Substantial economic impact (≥\$1,000,000) Approved by OSBM	
⊠ No	No fiscal note required	
9. REASO	ON FOR ACTION	
9A. What prompted this action? Check all that apply:	on to the field	
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making	
Federal regulation / cite: 7 CFR Part 246	☐ Other:	
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
	Rayel	
Phone: 984-800-1117		
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
Additional agency contact, if any.	*If this function has been delegated (reassigned) pursuant to	
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:	G.S. 1 10D 10(a), submit a copy of the delegation with this form.	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
	O OAH USE ONLY	
Action taken:  RRC extended period of review:		
RRC determined substantial changes:		
☐ Withdrawn by agency		
Subject to Legislative Review Other:		
L Ould.		

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0708 Authorized Vendors
3. Action:	DEADORTION DEPENDANT DEADORTION
<b>☐</b> ADOPTION <b>☐</b> AMENDMENT <b>☐</b> REPEAL <b>☐</b> 4. Rule exempt from RRC review?	READOPTION REPEAL through READOPTION  5 Puls outcometically subject to legislative region?
l	5. Rule automatically subject to legislative review?
Yes. Cite authority:	Yes. Cite authority:
⊠ No	⊠ No
6. Notice for Proposed Rule:	
<b>⊠</b> Notice Required	
Notice of Text published on: June 2, 2025	
Link to Agency notice: https://cph.dph.ncdhhs.gov/	
Hearing on: June 17, 2025  The requirements listed in C.S. 150R 10 1(c)(1) (5) was	e posted on the agency's Web site no later than the publication
date of the notice of text in the N.C. Register.	e posted on the agency's web site no later than the publication
Adoption by Agency on: August 6, 2025	
☐ Notice not required under G.S.:	
Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
Yes	☐ This Rule was part of a combined analysis.
Agency submitted request for consultation on:	<b>⊠</b> State funds affected
Consultation not required. Cite authority:	Local funds affected
consumum not required that manners,	Substantial economic impact (≥\$1,000,000)
⊠ No	<ul> <li>☑ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>
0 DEAC	
94. What prompted this action? Check all that apply:	ON FOR ACTION
Agency	☐ Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making
Federal regulation / cite: 7 CFR Part 246	Other:
	ood and Nutrition Services made updates to the federal Special
	dren (WIC) food package rules. The changes require more diverse
	eds are met based on the latest dietary guidelines. The required WIC
The Commission for Public Health has amended its rules for the	il 20, 2026 to avoid an interruption of WIC services in North Carolina.
The Commission for Fublic Health has amended its fules for the	ne wic program in compnance with these requirements.
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:
10. Raicinaking Cool umator. Raj i icinakumai	Ray A
<b>Phone:</b> 984-800-1117	Reyer
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this
	form is true and accurate to the best of my knowledge.
Additional agency contact, if any:	
DI .	*If this function has been delegated (reassigned) pursuant to
Phone: E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.
E-ivian.	Typed Name: Raj Premakumar
	Title: Commission for Public Health Rulemaking Coordinator
RRC AND	O OAH USE ONLY
Action taken:	
RRC extended period of review:	
RRC determined substantial changes: Withdrawn by agency	
Subject to Legislative Review	
Other:	

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0709 Local WIC Agency		
3. Action: □ ADOPTION ⊠ AMENDMENT □ REPEAL □	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	No No	
6. Notice for Proposed Rule:		
Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025		
	re posted on the agency's Web site no later than the publication	
date of the notice of text in the N.C. Register.		
Adoption by Agency on: August 6, 2025		
Notice not required under G.S.: Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
	☐ This Rule was part of a combined analysis.	
☐ Yes	State funds affected	
Agency submitted request for consultation on:	☐ Local funds affected	
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)	
⊠ No	Approved by OSBM	
	No fiscal note required	
	ON FOR ACTION	
9A. What prompted this action? Check all that apply:		
<ul><li>✓ Agency</li><li>☐ Court order / cite:</li></ul>	Legislation enacted by the General Assembly Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making	
Federal regulation / cite: 7 CFR Part 246	Other:	
	ood and Nutrition Services made updates to the federal Special	
	dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.		
10 Dulamaking Coordinatom Dai Duran-luran	11 Signature of Agency Heads on Dule making Considerate	
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
Phone: 984-800-1117	Rayel	
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
	form is true and accurate to the best of my knowledge.	
Additional agency contact, if any:	·	
DL	*If this function has been delegated (reassigned) pursuant to	
Phone: E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Man.	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
RRC ANI	O OAH USE ONLY	
Action taken:		
RRC extended period of review:		
RRC determined substantial changes: Withdrawn by agency		
Subject to Legislative Review		
Other:		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0804 Continuation of Participation		
3. Action:	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
⊠ No	No No	
6. Notice for Proposed Rule:		
Notice Required		
Notice of Text published on: June 2, 2025		
Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025		
☐ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication		
date of the notice of text in the N.C. Register.		
Adoption by Agency on: August 6, 2025		
Notice not required under G.S.: Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
( ( CCC CISC 12 012)	☐ This Rule was part of a combined analysis.	
☐ Yes	State funds affected	
Agency submitted request for consultation on:	☐ State lands affected ☐ Local funds affected	
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)	
⊠ No	<b>☒</b> Approved by OSBM	
	No fiscal note required	
9. REASON FOR ACTION		
9A. What prompted this action? Check all that apply:		
Agency	Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
<ul><li>✓ Federal statute / cite: 42 U.S.C. 1786</li><li>✓ Federal regulation / cite: 7 CFR Part 246</li></ul>	☐ Petition for rule-making ☐ Other:	
	ood and Nutrition Services made updates to the federal Special	
	dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
<b>Phone:</b> 984-800-1117	Rayel	
E-Mail: raj.premakumar@dhhs.nc.gov	D	
E-Wan. Taj.picmakumar@ums.nc.gov	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.	
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
	*If this function has been delegated (reassigned) pursuant to	
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:		
	Typed Name: Raj Premakumar	
DDC AND	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY Action taken:		
RRC extended period of review:		
RRC determined substantial changes:		
Withdrawn by agency  Subject to Logiclative Proving		
Subject to Legislative Review Other:		
, <del></del>		

1. Rule-Making Agency: Commission for Public Health		
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0902 General Conditions		
3. Action:  ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
Yes. Cite authority:	Yes. Cite authority:	
No No	No No	
6. Notice for Proposed Rule:		
Notice Required		
Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/		
Hearing on: June 17, 2025		
The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication		
date of the notice of text in the N.C. Register.		
Adoption by Agency on: August 6, 2025		
☐ Notice not required under G.S.:		
Adoption by Agency on:		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
Yes	This Rule was part of a combined analysis.	
Agency submitted request for consultation on:	State funds affected	
Consultation not required. Cite authority:	Local funds affected	
	Substantial economic impact (≥\$1,000,000) Approved by OSBM	
⊠ No	No fiscal note required	
9. REASON FOR ACTION		
9A. What prompted this action? Check all that apply:		
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly	
Court order / cite:	Cite Session Law:	
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making	
Federal regulation / cite: 7 CFR Part 246	U Other:	
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse	
	eds are met based on the latest dietary guidelines. The required WIC	
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.	
The Commission for Public Health has amended its rules for the		
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:	
	Rayel	
Phone: 984-800-1117		
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this	
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.	
raditional agency contact, if any.	*If this function has been delegated (reassigned) pursuant to	
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.	
E-Mail:	ossi i i i i i i i i i i i i i i i i i i	
	Typed Name: Raj Premakumar	
	Title: Commission for Public Health Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:  RRC extended period of review:		
RRC determined substantial changes:		
☐ Withdrawn by agency		
Subject to Legislative Review Other:		
L Ould.		

1. Rule-Making Agency: Commission for Public Health				
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0904 Notification of the Right to a Fair Hearing			
3. Action:  ☐ ADOPTION ☑ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION			
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?			
Yes. Cite authority:	Yes. Cite authority:			
⊠ No	No No			
6. Notice for Proposed Rule:				
<b>⋈</b> Notice Required				
Notice of Text published on: June 2, 2025				
Link to Agency notice: https://cph.dph.ncdhhs.gov/				
Hearing on: June 17, 2025  The requirements listed in C.S. 150B 10 1(a)(1) (5) was	ea nosted on the agency's Web site no later than the publication			
★ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were date of the notice of text in the N.C. Register.	re posted on the agency's Web site no later than the publication			
Adoption by Agency on: August 6, 2025				
Notice not required under G.S.:				
Adoption by Agency on:				
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.			
Yes	☐ This Rule was part of a combined analysis.			
Agency submitted request for consultation on:	State funds affected			
Consultation not required. Cite authority:	Local funds affected			
	Substantial economic impact (≥\$1,000,000)  Approved by OSBM			
⊠ No	No fiscal note required			
9. REASO	ON FOR ACTION			
9A. What prompted this action? Check all that apply:				
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly			
Court order / cite:	Cite Session Law:			
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making			
Federal regulation / cite: 7 CFR Part 246	Other:			
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse			
	eds are met based on the latest dietary guidelines. The required WIC			
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.			
The Commission for Public Health has amended its rules for the				
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:			
<b>Phone:</b> 984-800-1117	Rayel			
E-Mail: raj.premakumar@dhhs.nc.gov	Rayer			
2 1.2mm inj.prominima.	By signing, I have verified that the information contained on this			
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.			
Phone:	*If this function has been delegated (reassigned) pursuant to			
E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.			
	.,			
	Typed Name: Raj Premakumar			
DDC AND	Title: Commission for Public Health Rulemaking Coordinator			
RRC AND OAH USE ONLY Action taken:				
RRC extended period of review:				
RRC determined substantial changes:				
☐ Withdrawn by agency ☐ Subject to Legislative Review				
☐ Subject to Legislative Review ☐ Other:				
I				

1. Rule-Making Agency: Commission for Public Health				
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0905 Request for a Fair Hearing			
3. Action:  ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION			
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?			
Yes. Cite authority:	Yes. Cite authority:			
∑ No	No No			
6. Notice for Proposed Rule:	<u> </u>			
<b>⊠</b> Notice Required				
Notice of Text published on: June 2, 2025				
Link to Agency notice: https://cph.dph.ncdhhs.gov/				
Hearing on: June 17, 2025				
	re posted on the agency's Web site no later than the publication			
date of the notice of text in the N.C. Register.				
Adoption by Agency on: August 6, 2025				
Notice not required under G.S.:				
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.			
7. Rule establishes of increases a rec. (See 3.5. 12-3.1)				
☐ Yes	☐ This Rule was part of a combined analysis. ☐ State funds affected			
Agency submitted request for consultation on:	Local funds affected			
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)			
N N.	Approved by OSBM			
⊠ No	No fiscal note required			
9. REASO	ON FOR ACTION			
9A. What prompted this action? Check all that apply:				
	☐ Legislation enacted by the General Assembly			
Court order / cite:	Cite Session Law:			
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making			
Federal regulation / cite: 7 CFR Part 246	☐ Other: ood and Nutrition Services made updates to the federal Special			
	dren (WIC) food package rules. The changes require more diverse			
	eds are met based on the latest dietary guidelines. The required WIC			
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.			
The Commission for Public Health has amended its rules for the				
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:			
	Rayel			
Phone: 984-800-1117				
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this			
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.			
raditional agency contact, it any.	*If this function has been delegated (reassigned) pursuant to			
Phone:	G.S. 143B-10(a), submit a copy of the delegation with this form.			
E-Mail:	ones in a copy of the detegration with this form.			
	Typed Name: Raj Premakumar			
Title: Commission for Public Health Rulemaking Coordinator				
RRC AND OAH USE ONLY				
Action taken:  RRC extended period of review:				
RRC determined substantial changes:				
Withdrawn by agency				
Subject to Legislative Review Other:				
L Curer.				

1. Rule-Making Agency: Commission for Public Health				
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0906 Denial or Dismissal of a Request			
3. Action:	READOPTION REPEAL through READOPTION			
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?			
Yes. Cite authority:	Yes. Cite authority:			
∑ No	No No			
6. Notice for Proposed Rule:				
<b>⊠</b> Notice Required				
Notice of Text published on: June 2, 2025				
Link to Agency notice: https://cph.dph.ncdhhs.gov/				
Hearing on: June 17, 2025				
	re posted on the agency's Web site no later than the publication			
date of the notice of text in the N.C. Register.				
Adoption by Agency on: August 6, 2025  Notice not required under G.S.:				
Adoption by Agency on:				
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.			
	☐ This Rule was part of a combined analysis.			
☐ Yes	State funds affected			
Agency submitted request for consultation on:  Consultation not required. Cite authority:	<b>□</b> Local funds affected			
Consultation not required. The authority:	<b>Substantial economic impact (≥\$1,000,000)</b>			
⊠ No	Approved by OSBM			
	No fiscal note required			
	ON FOR ACTION			
9A. What prompted this action? Check all that apply:  Agency	☐ Legislation enacted by the General Assembly			
Court order / cite:	Cite Session Law:			
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making			
Federal regulation / cite: 7 CFR Part 246				
	ood and Nutrition Services made updates to the federal Special			
	dren (WIC) food package rules. The changes require more diverse			
	eds are met based on the latest dietary guidelines. The required WIC			
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.			
The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.				
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:			
g	Rayel.			
<b>Phone:</b> 984-800-1117				
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this			
4.13%	form is true and accurate to the best of my knowledge.			
Additional agency contact, if any:				
Phone:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.			
E-Mail:	G.S. 145B-10(a), submit a copy of the delegation with this form.			
	Typed Name: Raj Premakumar			
Title: Commission for Public Health Rulemaking Coordinator				
RRC AND OAH USE ONLY				
Action taken:				
RRC extended period of review: RRC determined substantial changes:				
Withdrawn by agency				
Subject to Legislative Review				
Other:				

1. Rule-Making Agency: Commission for Public Health				
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0907 Continuation of Benefits			
3. Action:				
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION			
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?			
Yes. Cite authority:	Yes. Cite authority:			
No 6. Notice for Proposed Rule:	⊠ No			
•				
Notice Required				
Notice of Text published on: June 2, 2025 Link to Agency notice: https://cph.dph.ncdhhs.gov/				
Hearing on: June 17, 2025				
	e posted on the agency's Web site no later than the publication			
date of the notice of text in the N.C. Register.				
Adoption by Agency on: August 6, 2025				
Notice not required under G.S.:				
Adoption by Agency on:  7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.			
7. Rule establishes of increases a fee. (See G.S. 12-5.1)				
☐ Yes	☐ This Rule was part of a combined analysis. ☐ State funds affected			
Agency submitted request for consultation on:	Local funds affected			
Consultation not required. Cite authority:	Substantial economic impact (≥\$1,000,000)			
⊠ Na	Approved by OSBM			
No Siscal note required				
	ON FOR ACTION			
9A. What prompted this action? Check all that apply:				
Agency	Legislation enacted by the General Assembly			
☐ Court order / cite: ☐ Federal statute / cite: 42 U.S.C. 1786	Cite Session Law:  Petition for rule-making			
Federal statute / cite: 42 0.S.C. 1780 Fetition for rule-making  Federal regulation / cite: 7 CFR Part 246 Other:				
	ood and Nutrition Services made updates to the federal Special			
Supplemental Nutrition Program for Women, Infants and Chile	dren (WIC) food package rules. The changes require more diverse			
	eds are met based on the latest dietary guidelines. The required WIC			
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.			
The Commission for Public Health has amended its rules for the	ne wic program in compliance with these requirements.			
10 Dulawaking Casudinatan Dri Dunalaman	11 Cianatura of Assaul Hand's an Dula making Casulinatan			
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:			
<b>Phone:</b> 984-800-1117	Rayer			
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this			
	form is true and accurate to the best of my knowledge.			
Additional agency contact, if any:				
Phone:	*If this function has been delegated (reassigned) pursuant to			
E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.			
2 Name	Typed Name: Raj Premakumar			
Title: Commission for Public Health Rulemaking Coordinator				
RRC AND OAH USE ONLY				
Action taken:				
RRC extended period of review: RRC determined substantial changes:				
☐ Withdrawn by agency				
Subject to Legislative Review				
Other:				

1. Rule-Making Agency: Commission for Public Health	1. Rule-Making Agency: Commission for Public Health				
2. Rule citation & name (name not required for repeal): 10	A NCAC 43D .0908 Notice of Hearing				
3. Action:  ☐ ADOPTION ☑ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION				
4. Rule exempt from RRC review?  ☐ Yes. Cite authority:  ☒ No	5. Rule automatically subject to legislative review?  Yes. Cite authority:				
6. Notice for Proposed Rule:					
date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025 Notice not required under G.S.: Adoption by Agency on:	re posted on the agency's Web site no later than the publication				
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.				
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> <li>☐ Approved by OSBM</li> </ul>				
⊠ No	No fiscal note required				
9A. What prompted this action? Check all that apply:    Agency					
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:				
<b>Phone:</b> 984-800-1117	Rayel				
E-Mail: raj.premakumar@dhhs.nc.gov  Additional agency contact, if any:	By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.				
Phone: E-Mail:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.				
Typed Name: Raj Premakumar Title: Commission for Public Health Rulemaking Coordinator					
RRC AND	O OAH USE ONLY				
Action taken:  RRC extended period of review:  RRC determined substantial changes:  Withdrawn by agency  Subject to Legislative Review  Other:					

1. Rule-Making Agency: Commission for Public Health				
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0909 Hearing Officer				
3. Action:	READOPTION REPEAL through READOPTION			
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?			
Yes. Cite authority:	Yes. Cite authority:			
$\overline{\boxtimes}$ No	No No			
6. Notice for Proposed Rule:				
date of the notice of text in the N.C. Register. Adoption by Agency on: August 6, 2025 Notice not required under G.S.: Adoption by Agency on:	e posted on the agency's Web site no later than the publication			
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.			
Yes	☐ This Rule was part of a combined analysis.			
Agency submitted request for consultation on:	<b>⊠</b> State funds affected			
Consultation not required. Cite authority:	Local funds affected			
	Substantial economic impact (≥\$1,000,000)  Approved by OSBM			
⊠ No	No fiscal note required			
9A. What prompted this action? Check all that apply:  Agency Court order / cite: Federal statute / cite: 42 U.S.C. 1786 Federal regulation / cite: 7 CFR Part 246  9B. Explain: The United States Department of Agriculture, Food and Nutrition Services made updates to the federal Special Supplemental Nutrition Program for Women, Infants and Children (WIC) food package rules. The changes require more diverse food options for WIC participants, ensuring that nutritional needs are met based on the latest dietary guidelines. The required WIC Food Package changes are required to be implemented by April 20, 2026 to avoid an interruption of WIC services in North Carolina. The Commission for Public Health has amended its rules for the WIC program in compliance with these requirements.				
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:			
<b>Phone:</b> 984-800-1117	Rayer			
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this			
Additional agency contact, if any:	form is true and accurate to the best of my knowledge.			
Dhones	*If this function has been delegated (reassigned) pursuant to			
Phone: E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.			
D ITAMA	Typed Name: Raj Premakumar			
Title: Commission for Public Health Rulemaking Coordinator				
RRC AND OAH USE ONLY				
Action taken:  RRC extended period of review:  RRC determined substantial changes:				
☐ Withdrawn by agency ☐ Subject to Legislative Review				
Other:				

1. Rule-Making Agency: Commission for Public Health				
2. Rule citation & name (name not required for repeal): 10A NCAC 43D .0911 Decision				
3. Action:				
ADOPTION AMENDMENT REPEAL	READOPTION REPEAL through READOPTION			
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?			
Yes. Cite authority:	Yes. Cite authority:			
Notice for Proposed Puls.	⊠ No			
6. Notice for Proposed Rule:				
<b>⊠</b> Notice Required				
Notice of Text published on: June 2, 2025				
Link to Agency notice: https://cph.dph.ncdhhs.gov/ Hearing on: June 17, 2025				
	e posted on the agency's Web site no later than the publication			
date of the notice of text in the N.C. Register.	o possess on the agency of the same no most chain the passession			
Adoption by Agency on: August 6, 2025				
☐ Notice not required under G.S.:				
Adoption by Agency on:	T			
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.			
Yes	This Rule was part of a combined analysis.			
Agency submitted request for consultation on:	State funds affected			
Consultation not required. Cite authority:	Local funds affected			
	Substantial economic impact (≥\$1,000,000) Approved by OSBM			
⊠ No	No fiscal note required			
9. REASO	ON FOR ACTION			
9A. What prompted this action? Check all that apply:	on to the flow			
<b>⊠</b> Agency	☐ Legislation enacted by the General Assembly			
Court order / cite:	Cite Session Law:			
Federal statute / cite: 42 U.S.C. 1786	Petition for rule-making			
Federal regulation / cite: 7 CFR Part 246	U Other:			
	ood and Nutrition Services made updates to the federal Special dren (WIC) food package rules. The changes require more diverse			
	eds are met based on the latest dietary guidelines. The required WIC			
	il 20, 2026 to avoid an interruption of WIC services in North Carolina.			
The Commission for Public Health has amended its rules for the				
10. Rulemaking Coordinator: Raj Premakumar	11. Signature of Agency Head* or Rule-making Coordinator:			
,	Rayel			
<b>Phone:</b> 984-800-1117				
E-Mail: raj.premakumar@dhhs.nc.gov	By signing, I have verified that the information contained on this			
Additional according to the control of the control	form is true and accurate to the best of my knowledge.			
Additional agency contact, if any:	*If this formation has been delegated (massioned) more and to			
Phone:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.			
E-Mail:	G.S. 143D-10(a), submit a copy of the delegation with this form.			
	Typed Name: Raj Premakumar			
Title: Commission for Public Health Rulemaking Coordinator				
RRC AND OAH USE ONLY				
Action taken:  RRC extended period of review:				
RRC extended period of review:  RRC determined substantial changes:				
☐ Withdrawn by agency				
Subject to Legislative Review				
Other:				

Subject:

FW: CPH 43D RFC - September 2025

From: Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>

**Sent:** Tuesday, October 7, 2025 3:37 PM **To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: CPH 43D RFC - September 2025

Thank you Seth and understood.

### Rajeev K. Premakumar

Deputy General Counsel
Office of General Counsel
NC Department of Health and Human Services

Office: 919-855-4800

Mobile: 984-800-1117 (primary) Raj.Premakumar@dhhs.nc.gov

From: Ascher, Seth M < <a href="mailto:seth.ascher@oah.nc.gov">seth.ascher@oah.nc.gov</a>>

Sent: Tuesday, October 7, 2025 3:36 PM

**To:** Premakumar, Rajeev K < <u>raj.premakumar@dhhs.nc.gov</u>> **Cc:** Burgos, Alexander N < <u>alexander.burgos@oah.nc.gov</u>>

Subject: Re: CPH 43D RFC - September 2025

Raj,

I will recommend that the Commission further extend these rules to the November meeting. I don't anticipate any problems with this request.

Note that pursuant to G.S. 150B-21.13, the Commission can only extend review of rules for 70 days, so it will not be possible to extend the period past the November meeting.

### **Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Premakumar, Rajeev K < raj.premakumar@dhhs.nc.gov >

Sent: Tuesday, October 7, 2025 3:17 PM

To: Ascher, Seth M < seth.ascher@oah.nc.gov >

Cc: Burgos, Alexander N < alexander.burgos@oah.nc.gov >

Subject: RE: CPH 43D RFC - September 2025

Hello Seth,

Due to some extenuating circumstances, we are respectfully requesting that these rules be held over to the November 20, 2025 meeting of the Rules Review Commission.

Thank you very much for your time and consideration, as well as that of the Commission.

Thanks, Raj

# Rajeev K. Premakumar

Deputy General Counsel
Office of General Counsel
NC Department of Health and Human Services

Office: 919-855-4800

Mobile: 984-800-1117 (primary) Raj.Premakumar@dhhs.nc.gov

**Subject:** 

FW: CPH 43D RFC - September 2025

From: Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>

**Sent:** Tuesday, October 7, 2025 3:17 PM **To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: CPH 43D RFC - September 2025

Hello Seth,

Due to some extenuating circumstances, we are respectfully requesting that these rules be held over to the November 20, 2025 meeting of the Rules Review Commission.

Thank you very much for your time and consideration, as well as that of the Commission.

Thanks, Raj

# Rajeev K. Premakumar

Deputy General Counsel
Office of General Counsel
NC Department of Health and Human Services

Office: 919-855-4800

Mobile: 984-800-1117 (primary) Raj.Premakumar@dhhs.nc.gov

**Subject:** FW: CPH 43D RFC - September 2025 **Attachments:** 09.2025 Extension letter CPH.docx

# **Alexander Burgos**

Paralegal
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1940
Alexander.burgos@oah.nc.gov

From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Friday, September 26, 2025 2:04 PM

**To:** Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov> **Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: CPH 43D RFC - September 2025

Raj,

Attached is a letter memorializing the action taken by the Commission at yesterday's meeting. Let me know if you have any questions.

# **Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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**Subject:** 

FW: CPH 43D RFC - September 2025

From: Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov>

**Sent:** Wednesday, September 17, 2025 12:19 PM **To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: CPH 43D RFC - September 2025

Thank you, sir!

# Rajeev K. Premakumar

**Deputy General Counsel** 

Office of General Counsel

NC Department of Health and Human Services

Office: 919-855-4800

Raj.Premakumar@dhhs.nc.gov

From: Ascher, Seth M < <a href="mailto:seth.ascher@oah.nc.gov">sent: Wednesday, September 17, 2025 12:18:20 PM</a>

**To:** Premakumar, Rajeev K < <u>raj.premakumar@dhhs.nc.gov</u> > **Cc:** Burgos, Alexander N < <u>alexander.burgos@oah.nc.gov</u> >

Subject: Re: CPH 43D RFC - September 2025

Understood. I will recommend that the Commission grant an extension to the October 30, 2025 meeting.

Please get me a response and updates to these rules by October 17th. Let me know if you have any questions.

# **Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

Email correspon state official.	dence to and from	this address may	be subject to the	North Carolina Pu	blic Records Law	and may be disclo	sed to third partie	s by an authorized

From: Premakumar, Rajeev K

Sent: Monday, September 15, 2025 3:36 PM

To: Ascher, Seth M
Cc: Burgos, Alexander N

**Subject:** Re: CPH 43D RFC - September 2025

Thanks Seth. Received. I'll discuss with the team about whether we can meet the Friday deadline.

Appreciate working with you.

Raj

### Rajeev K. Premakumar

Deputy General Counsel
Office of General Counsel
NC Department of Health and Human Services

Office: 919-855-4800

Raj.Premakumar@dhhs.nc.gov

From: Ascher, Seth M <seth.ascher@oah.nc.gov> Sent: Monday, September 15, 2025 3:12:43 PM

**To:** Premakumar, Rajeev K <raj.premakumar@dhhs.nc.gov> **Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: CPH 43D RFC - September 2025

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Department of Labor for the September 2025 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, September 25, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on September 19, 2025. I recognize that this is a short turn-around time, and I can recommend that the review of these rules be extended to the October meeting if that is what you would prefer.

Please let me know if you have any questions of concerns.

### **Seth Ascher**

Counsel to the North Carolina Rules Review Commission

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