

G.S. 150B-21.3A Report for 10A NCAC 43D, WIC/NUTRITION

Agency - Commission for Public Health

Comment Period - Filled in by Agency: 11/11/16 - 1/10/17

Date Submitted to APO - October 23, 2017

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0200 - WIC PROGRAM GENERAL INFORMATION	10A NCAC 43D .0201	DESCRIPTION	Amended Eff. October 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0202	DEFINITIONS	Amended Eff. October 1, 2017	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. Part 246.2	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0203	REFERENCES	Amended Eff. October 1, 2017	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.1 through 246.28	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0204	CONTRACT WITH FNS	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.4	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0205	POLICIES: GUIDELINES AND MANUALS	Eff. July 1, 1981	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0207	LOCAL WIC AGENCY AGREEMENT AND BUDGET	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.5, 7 CFR 246.6, 7 CFR 246.16	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0300 - SELECTION OF LOCAL WIC AGENCIES	10A NCAC 43D .0301	INITIAL APPLICATION	Amended Eff. September 1, 1991	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.5	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0302	CRITERIA FOR SELECTION OF LOCAL AGENCIES	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.5	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D.0303	CONTINUATION OF LOCAL WIC AGENCIES	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.5, 7 CFR 246.6	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0304	EXPANSION OF LOCAL WIC PROGRAMS	Amended Eff. December 6, 1991	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.5, 7 CFR 246.6	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0305	TERMINATION OF LOCAL WIC AGENCIES	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.5	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0400 - ELIGIBILITY FOR WIC PROGRAM PARTICIPATION	10A NCAC 43D .0408	WAITING LIST	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.7 e(4), C.F.R. 246.7 f(1)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0410	PARTICIPANT VIOLATIONS AND SANCTIONS	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.12 (u)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0411	DUAL PARTICIPATION	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.7(l) & 246.12(u)(2) ; 42 U.S.C. 1786	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0500 - WIC PROGRAM FOOD PACKAGE	10A NCAC 43D .0501	SUPPLEMENTAL FOODS	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.10	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0502	QUANTITY OF FOODS	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.10	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0503	USE OF WIC SUPPLEMENTAL FOODS	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.10	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0700 - WIC PROGRAM FOOD DELIVERY SYSTEM	10A NCAC 43D .0701	THE NORTH CAROLINA AUTOMATED WIC SYSTEM	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.12 (a)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		10A NCAC 43D .0702	ISSUANCE OF FOOD INSTRUMENTS AND CASH-VALUE VOUCHERS	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.12	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0703	USE OF FOOD INSTRUMENTS AND CASH-VALUE VOUCHERS	Amended Eff. October 1, 2017	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.7 and 246.12	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0704	VALIDITY OF WIC FOOD INSTRUMENTS AND CASH-VALUE VOUCHERS	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7.CFR 246.12 (f)(2); 246.12 (h)(3)(viii) & (ix)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0705	PAYMENT OF WIC FOOD INSTRUMENTS AND CASH-VALUE VOUCHERS	Amended Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7.CFR 246.12 (f)(2); 246.12 (h)(3)(viii)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0706	VENDOR PEER GROUPS	Amended Eff. February 1, 2013	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7.CFR 246.12 (g)(4)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0707	VENDOR APPLICANTS	Amended Eff. October 1, 2017	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R 246.12	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0708	AUTHORIZED VENDORS	Amended Eff. October 1, 2017	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R 246.12	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0709	LOCAL WIC AGENCY	Eff. February 1, 2013	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.12 (j)(1) & (2)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0710	VENDOR VIOLATIONS AND SANCTIONS	Eff. February 1, 2013	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.12 (l); 246.18(a)(2)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0800 - WIC PROGRAM ADMINISTRATIVE APPEALS	10A NCAC 43D .0802	APPEALS	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.18	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0804	CONTINUATION OF PARTICIPATION	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.18 (a) (2), (3)(iii) and (d)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0806	CONTINUING RESPONSIBILITIES	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 CFR 246.18 (d)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0900 - WIC PROGRAM PARTICIPANT FAIR HEARINGS	10A NCAC 43D .0902	GENERAL CONDITIONS	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9 and G.S. 150B-22.	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0903	AVAILABILITY	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9 (a) pg. 390	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0904	NOTIFICATION OF THE RIGHT TO A FAIR HEARING	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.7 and 246.12	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0905	REQUEST FOR A FAIR HEARING	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9, 246.9 AND 246.25	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0906	DENIAL OR DISMISSAL OF A REQUEST	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0907	CONTINUATION OF BENEFITS	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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		10A NCAC 43D .0908	NOTICE OF HEARING	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0909	HEARING OFFICER	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0910	HEARING PROCEDURE AND RIGHTS OF THE AGGRIEVED PARTY	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 43D .0911	DECISION	Amended Eff. July 1, 2004	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	7 C.F.R. 246.9	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note