

| G.S. 150B-21.3A Report for 10A NCAC 43D, WIC/NUTRITION |                                                           |                    |                                          |                                                                                                           |                                          |                                                                         |                             |                                            |                                                                  |                                                        |                                                                                        |                                 |
|--------------------------------------------------------|-----------------------------------------------------------|--------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------|-----------------------------|--------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------|
| Agency - Commission for Public Health                  |                                                           |                    |                                          |                                                                                                           |                                          |                                                                         |                             |                                            |                                                                  |                                                        |                                                                                        |                                 |
| Comment Period - 5/11/26 - 7/20/26                     |                                                           |                    |                                          |                                                                                                           |                                          |                                                                         |                             |                                            |                                                                  |                                                        |                                                                                        |                                 |
| Date Submitted to APO - September 30, 2026             |                                                           |                    |                                          |                                                                                                           |                                          |                                                                         |                             |                                            |                                                                  |                                                        |                                                                                        |                                 |
| Subchapter                                             | Rule Section                                              | Rule Citation      | Rule Name                                | Date and Last Agency Action on the Rule                                                                   | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | 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                  |
| SUBCHAPTER 43D – WIC/NUTRITION                         | SECTION .0200 - WIC PROGRAM GENERAL INFORMATION           | 10A NCAC 43D .0201 | DESCRIPTION                              | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                        | Agency must readopt             |
|                                                        |                                                           | 10A NCAC 43D .0202 | DEFINITIONS                              | Amended Eff. March 1, 2020                                                                                | Necessary                                | Yes                                                                     | 7 C.F.R. 246                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                        | Agency must readopt             |
|                                                        |                                                           | 10A NCAC 43D .0203 | REFERENCES                               | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                        | Agency must readopt             |
|                                                        |                                                           | 10A NCAC 43D .0204 | CONTRACT WITH FNS                        | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.4              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                        | Agency must readopt             |
|                                                        |                                                           | 10A NCAC 43D .0205 | POLICIES: GUIDELINES AND MANUALS         | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        | SECTION .0300 - SELECTION OF LOCAL WIC AGENCIES           | 10A NCAC 43D .0207 | LOCAL WIC AGENCY AGREEMENT AND BUDGET    | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | C.F.R. 246.6                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                        | Agency must readopt             |
|                                                        |                                                           | 10A NCAC 43D .0301 | INITIAL APPLICATION                      | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0302 | CRITERIA FOR SELECTION OF LOCAL AGENCIES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D.0303  | CONTINUATION OF LOCAL WIC AGENCIES       | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0304 | EXPANSION OF LOCAL WIC PROGRAMS          | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0305 | TERMINATION OF LOCAL WIC AGENCIES        | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        | SECTION .0400 - ELIGIBILITY FOR WIC PROGRAM PARTICIPATION | 10A NCAC 43D .0408 | WAITING LIST                             | Amended Eff. March 1, 2020                                                                                | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0410 | PARTICIPANT VIOLATIONS AND SANCTIONS     | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.2              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                        | Agency must readopt             |
|                                                        |                                                           | 10A NCAC 43D .0411 | DUAL PARTICIPATION                       | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        | SECTION .0500 – WIC PROGRAM FOOD PACKAGE                  | 10A NCAC 43D .0501 | SUPPLEMENTAL FOODS                       | Amended Eff. March 1, 2020                                                                                | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0502 | QUANTITY OF FOODS                        | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0503 | USE OF WIC SUPPLEMENTAL FOODS            | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        | SECTION .0700 - WIC PROGRAM FOOD DELIVERY SYSTEM          | 10A NCAC 43D .0701 | THE NORTH CAROLINA AUTOMATED WIC SYSTEM  | Amended Eff. March 1, 2020                                                                                | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0702 | ISSUANCE OF FOOD BENEFITS                | Amended Eff. March 1, 2020                                                                                | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0703 | USE OF FOOD BENEFITS                     | Amended Eff. March 1, 2020                                                                                | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
|                                                        |                                                           | 10A NCAC 43D .0705 | PAYMENT OF WIC FOOD BENEFITS             | Amended Eff. March 1, 2020                                                                                | Unnecessary                              | No                                                                      |                             | No                                         | Unnecessary                                                      | No comments with merit                                 | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |

| G.S. 150B-21.3A Report for 10A NCAC 43D, WIC/NUTRITION |                                                       |                    |                                                     |                                                                                                           |                                          |                                                                         |                             |                                            |                                                                  |                                                        |                                                                                |                     |
|--------------------------------------------------------|-------------------------------------------------------|--------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------|-----------------------------|--------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------|---------------------|
| Agency - Commission for Public Health                  |                                                       |                    |                                                     |                                                                                                           |                                          |                                                                         |                             |                                            |                                                                  |                                                        |                                                                                |                     |
| Comment Period - 5/11/26 - 7/20/26                     |                                                       |                    |                                                     |                                                                                                           |                                          |                                                                         |                             |                                            |                                                                  |                                                        |                                                                                |                     |
| Date Submitted to APO - September 30, 2026             |                                                       |                    |                                                     |                                                                                                           |                                          |                                                                         |                             |                                            |                                                                  |                                                        |                                                                                |                     |
| Subchapter                                             | Rule Section                                          | Rule Citation      | Rule Name                                           | Date and Last Agency Action on the Rule                                                                   | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | 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 .0706 | VENDOR PEER GROUPS                                  | Amended Eff. March 1, 2020                                                                                | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 CFR 246.12                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0707 | VENDOR APPLICANTS                                   | Amended Eff. March 1, 2020                                                                                | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 CFR 246.12                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0708 | AUTHORIZED VENDORS                                  | Amended Eff. March 1, 2020                                                                                | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 CFR 246.12                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0709 | LOCAL WIC AGENCY                                    | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 CFR 246.12                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0710 | VENDOR VIOLATIONS AND SANCTIONS                     | Amended Eff. March 1, 2020                                                                                | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 CFR 246.12                | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        | SECTION .0800 - WIC PROGRAM ADMINISTRATIVE APPEALS    | 10A NCAC 43D .0802 | APPEALS                                             | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.18             | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0804 | CONTINUATION OF PARTICIPATION                       | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.18             | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0806 | CONTINUING RESPONSIBILITIES                         | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.18             | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        | SECTION .0900 - WIC PROGRAM PARTICIPANT FAIR HEARINGS | 10A NCAC 43D .0902 | GENERAL CONDITIONS                                  | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0903 | AVAILABILITY                                        | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0904 | NOTIFICATION OF THE RIGHT TO A FAIR HEARING         | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0905 | REQUEST FOR A FAIR HEARING                          | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0906 | DENIAL OR DISMISSAL OF A REQUEST                    | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0907 | CONTINUATION OF BENEFITS                            | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0908 | NOTICE OF HEARING                                   | Amended Eff. March 1, 2020                                                                                | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0909 | HEARING OFFICER                                     | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0910 | HEARING PROCEDURE AND RIGHTS OF THE AGGRIEVED PARTY | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |
|                                                        |                                                       | 10A NCAC 43D .0911 | DECISION                                            | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017 | Necessary                                | Yes<br>If yes, include the citation to the federal law                  | 7 C.F.R. 246.9              | No                                         | Necessary                                                        | No comments with merit                                 | Necessary and must be readopted                                                | Agency must readopt |