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REGULATORY BULLETIN 2018-02

NOTICE OF FINAL ACTION

Subject

Final Action on the Notice of Proposed Changes posted as [Regulatory Alert 2018-02](#) on May 9, 2018 at:
<https://www.cdph.ca.gov/Programs/CFH/DWICSN/CDPH%20Document%20Library/LawsandRegulations/RegulatoryAlert2018-02WICAuthorizedFoodListInfantFormulaAmendments.pdf>.

Date of Adoption

The Final Action will be effective July 8, 2018.

Stakeholder Comments and Responses

No stakeholder comments were received regarding this regulatory action.

Regulation

Article 5. WIC Authorized Food List

82600 WIC Authorized Food List: Infant Formula

(a) Infant Formula Category

- (1) Authorized infant formula shall be selected and prescribed for a participant by a competent professional authority. Participants may only purchase the brand, type (physical form), size, and number of prescribed cans printed on their food instrument(s).
- (2) Contract Formula
 - (A) Authorized contract infant formula must meet the requirements in 7 Code of Federal Regulations part 246.10(e)(12), table 4 (2015), and is selected through a competitive bidding process. The list of the current contract formulas can be found at:
<https://www.cdph.ca.gov/Programs/CFH/DWICSN/CDPH%20Document%20Library/WICFoods/FormulaFlyerEn.pdf>.
- (3) Non-Contract Formula



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- (A) Non-contract brand infant formula is all infant formula that is not covered by an infant formula cost containment contract awarded by the State agency. Non-contract brand formula may only be issued in food package III for participants with qualifying conditions with medical documentation pursuant to 7 Code of Federal Regulations part 246.10(d)(1)(i) (2015).
- (4) The following types of infant formula are never authorized for purchase as part of the Infant Formula Category:
 - (A) Low iron or no iron formula.

Feedback

Stakeholders may provide feedback regarding the impact of this Final Action and any policy adjustments to be considered by the Department after implementation. Comments may be sent electronically with the Bulletin number in the subject line to WICRegulations@cdph.ca.gov.