

**4617.0176 APPROVAL PROCESS FOR WIC FOODS OTHER THAN INFANT FORMULA.**

Subpart 1. **Approval process.** The commissioner shall approve for purchase using WIC vouchers and cash-value vouchers:

A. food items within each food product in part 4617.0067, subpart 3, items A, subitems (2) to (14); B, subitems (2) to (14); and E, subitems (2) to (7); and

B. any other food item permitted under Code of Federal Regulations, title 7, part 246, as amended, other than infant formula, if the commissioner determines that there is a nutritional need for participants to obtain such food item or that there is a need for the item or product within a specific cultural, religious, or ethnic group.

Subp. 2. **Approval criteria.** At least once every three years, the commissioner shall determine using the following factors which food items within each food product in part 4617.0067, subpart 3, items A, subitems (2) to (14); B, subitems (2) to (14); and E, subitems (2) to (7), to approve for purchase using WIC vouchers and cash-value vouchers:

A. whether the food item meets all specifications in the applicable subitem of part 4617.0067, subpart 3, items A, B, and E;

B. whether the food item meets the nutritional requirements of Code of Federal Regulations, title 7, section 246.10(c), as amended;

C. whether the food item contains any nonnutritive or artificial sweetener; and

D. for foods other than those listed in part 4617.0067, subpart 3, items A, subitem (9); and B, subitem (9), the price per ounce of the food item compared to other brands, sizes, and varieties of the food product.

Subp. 3. [Repealed, 34 SR 790]

Subp. 4. **Notice of approval.** The commissioner shall provide notice to each vendor and local agency of the food items approved under this part.

Subp. 5. **Revocation of approval.** The commissioner shall, at any time, revoke approval of a food item if:

A. it no longer meets the nutritional requirements in Code of Federal Regulations, title 7, section 246.10(c), as amended; or

B. it no longer meets all applicable specifications in part 4617.0067, subpart 3.

If the commissioner revokes approval of a food item, the commissioner shall provide notice to each vendor and local agency of the revocation.

**Statutory Authority:** *MS s 144.11; 145.894*

**History:** *22 SR 266; 25 SR 555; 29 SR 1202; 34 SR 790*

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