

1 10A NCAC 43D .0202 is proposed for amendment as follows:

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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 are hereby incorporated by
5 reference, including subsequent amendments and editions, with the following additions and modifications:

- 6 (1) An "administrative appeal" is an appeal in accordance with Section .0800 of this Subchapter through
7 which a local WIC agency, potential local WIC agency, authorized WIC vendor, or WIC vendor
8 applicant may appeal the adverse actions listed in 7 C.F.R. 246.18(a)(1)(i), (a)(1)(ii), and (a)(3)(i).
- 9 (2) An "authorized store representative" includes an owner, manager, assistant manager, head cashier,
10 or chief fiscal officer.
- 11 (3) An "authorized WIC vendor" is a food retailer or free-standing pharmacy that has executed a
12 currently effective North Carolina WIC Vendor Agreement, as set forth in 7 C.F.R 246.12(h)(3).
- 13 (4) A "chain store" is a store that is owned or operated by a corporation, partnership, cooperative
14 association, or other business entity that has 20 or more stores owned or operated by the business
15 entity.
- 16 (5) An "Electronic Benefit Transfer (EBT) Processor" is an entity contracted by a government agency
17 for the implementation, maintenance, and operation of the State WIC agency's WIC EBT system
18 that acts as the agent of the State WIC agency to process and settle EBT transactions.
- 19 (6) A "fair hearing" is the informal dispute resolution process in Section .0900 of this Subchapter
20 through which any individual may appeal a State or local agency action that results in a claim against
21 the individual for repayment of the cash value of issued benefits by which the individual is not
22 eligible or results in the individual's denial of participation or disqualification from the WIC
23 Program, as set forth in Rule .0410 of this Subchapter. This process must be complied with prior to
24 requesting a contested case hearing in accordance with G.S. 150B, as set forth in 7 CFR 246.9.
- 25 (7) "FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture.
- 26 (8) "Food benefits" are the prescribed amounts of WIC authorized foods and formulas or a fixed dollar
27 amount prescribed to WIC customers to receive fruits and vegetables.
- 28 (9) "Food benefit balance" means the unspent food benefits for the current month that are available to
29 use by the cardholder.
- 30 ~~(8)~~(10) "Free-standing pharmacy" means a pharmacy that does not operate within another retail store. Free-
31 standing pharmacy includes free-standing pharmacies that are chain stores and free-standing
32 pharmacies participating under a WIC corporate agreement.
- 33 ~~(9)~~(11) The "local WIC agency" is the local agency that enters into an agreement with the Division of Public
34 Health to operate the Special Supplemental Nutrition Program for Women, Infants and Children.
- 35 ~~(10)~~(12) A "local WIC program plan" is a written compilation of information on the local WIC agency
36 policies concerning program operation, including administration, nutrition education, personnel

1 functions, costs and other information prepared by the local WIC agency and submitted to the
2 Nutrition Services Branch.

3 ~~(11)~~(13) A "personal identification number" (PIN) is a numeric password selected and used by a WIC
4 participant to authenticate the participant to the EBT system.

5 ~~(12)~~(14) A "point of sale terminal" (POS) is an electronic device used to process EBT card payments at
6 authorized vendor locations.

7 ~~(13)~~(15) A "predominantly WIC vendor" is an "above-50-percent vendor" as defined in 7 C.F.R. 246.2.

8 ~~(14)~~(16) A "product look-up (PLU) code" is an identification number placed on produce sold at authorized
9 vendor locations.

10 (17) "Redeemed food benefits" means the benefits that have been used by the WIC customer.

11 ~~(15)~~(18) "Redemption" is the process by which a vendor ~~deposits for~~ receives payment from the State agency
12 (or its financial agent) for food benefits a food instrument or cash value voucher transacted at that
13 vendor location, and the State agency (or its financial agent) ~~makes payment to the vendor for the~~
14 ~~food instrument or cash value voucher.~~

15 ~~(16)~~(19) "Shelf price" is the price a vendor charges a non-WIC customer for a WIC supplemental food.

16 ~~(17)~~(20) "SNAP-eligible food sales" means "food sales" as defined in 7 C.F.R. 246.2, which are those foods
17 that can be purchased with Supplemental Nutrition Assistance Program ("SNAP") benefits.

18 ~~(18)~~(21) The "State agency" is the Nutrition Services Branch, Women's and Children's Health Section,
19 Division of Public Health, North Carolina Department of Health and Human Services.

20 ~~(19)~~(22) "Store" means a food retailer or free-standing pharmacy operating at a single, fixed location.

21 ~~(20)~~(23) "Supplemental food" or "WIC supplemental food" is a food that satisfies the requirements of 10A
22 NCAC 43D .0501.

23 ~~(21)~~(24) "Support costs" are clinic costs, administrative costs, and nutrition education costs.

24 ~~(22)~~(25) "Transaction" is the process by which a WIC customer tenders ~~a food instrument or a cash value~~
25 ~~voucher to a food benefits at an authorized~~ vendor in exchange for authorized supplemental foods.

26 ~~(23)~~(26) "Universal Product Code (UPC)" means an identification code printed on the packaging of WIC
27 approved foods sold at WIC authorized vendor locations.

28 ~~(24)~~(27) "Vendor applicant" is a store that has submitted an application to become an authorized WIC vendor
29 but is not yet authorized.

30 ~~(25)~~(28) A "vendor overcharge" is intentionally or unintentionally charging more for supplemental food
31 provided to a WIC customer than to a non-WIC customer or charging more than the current shelf
32 price for supplemental food provided to a WIC customer.

33 ~~(26)~~(29) A "WIC corporate agreement" is a single WIC Vendor Agreement with a corporate entity that has
34 20 or more stores authorized as WIC vendors under the Agreement.

35 ~~(27)~~(30) "WIC customer" means a WIC participant, parent, or caretaker of an infant or child participant,
36 proxy for the eligible participant, or compliance investigator who ~~tenders a food instrument or a~~
37 ~~cash value voucher to~~ transacts food benefits at a vendor in exchange for WIC supplemental food.

1 ~~(28)~~(31) "WIC program" means the Special Supplemental Nutrition Program for Women, Infants, and
2 Children authorized by 42 U.S.C. 1786 of the Child Nutrition Act of 1966 as amended.

3 (b) A copy of 7 C.F.R. Part 246 is available for inspection at the Department of Health and Human Services, Division
4 of Public Health, Women's and Children's Health Section, Nutrition Services Branch, 5601 Six Forks Road, Raleigh,
5 North Carolina 27609. Copies are available at no cost from the Supplemental Nutrition Programs Division, Food and
6 Nutrition Service, USDA, 3101 Park Center Drive, Room 540, Alexandria, Virginia 22302, by calling (703) 305-2730
7 or online at [https://www.ecfr.gov/cgi-bin/text-
8 idx?SID=a42889f84f99d56ec18d77c9b463c613&node=7:4.1.1.1.10&rgn=div5](https://www.ecfr.gov/cgi-bin/text-idx?SID=a42889f84f99d56ec18d77c9b463c613&node=7:4.1.1.1.10&rgn=div5).

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17 *Temporary Amendment Eff. July 1, 2006;*
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19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
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21 *Amended Eff. January 1, 2020.*