

**3701-42-06 WIC vendor responsibilities.**

- (A) A vendor shall provide to participants only authorized foods in exchange for the benefits on the WIC nutrition card.
- (B) A vendor shall permit participants the option to select part or all of the available quantities, sizes, and types of authorized food contained on the WIC nutrition card.
- (C) A vendor shall offer participants the same courtesies extended to other customers, including but not limited to: providing a sales receipt and accepting store and manufacturer coupons, discount cards, or other discounts offered. However, vendors may not provide participants incentive items, vendor discounts, coupons or other promotions that are not offered to non-WIC customers.
- (D) A vendor shall accept valid WIC nutrition cards presented by a participant and shall:
  - (1) Deduct the value of any manufacturer or store coupons, discount cards, or other discounts offered from the total before requesting participant to approve the transaction;
  - (2) Be responsible for all WIC nutrition card benefits accepted or processed for payment by current and former employees or agents of the vendor. The vendor shall be responsible for the accuracy of any information submitted to the department by those employees or agents including any person or persons operating the store under a management agreement;
  - (3) Ensure the department is not charged more than the marked or posted prices and is not charged more than non-WIC customers for authorized foods;
  - (4) Provide all participants with benefit receipts generated at the time of the WIC transaction; and
  - (5) Return to the local WIC agency within twenty-four hours any WIC nutrition card found at the location.
- (E) A vendor shall comply with all of the following:
  - (1) All federal and state laws, rules, and regulations governing the WIC program, including section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, (in effect January 7, 2011), pertinent federal regulations for the WIC program including 7 C.F.R. part 246, (in effect January 1, 2011) and this chapter;
  - (2) All federal and state laws pertaining to nondiscrimination, including but not limited to Title VI of the "Civil Rights Act of 1964," 78 Stat. 241, 42 U.S.C. 2000d (in effect January 7, 2011), pertinent regulations adopted thereunder, and 7 C.F.R. parts 15, 15A, and 15B (in effect January 1, 2011); and
  - (3) All federal, state and local criminal laws either felony or misdemeanor.
- (F) The department or its designee may conduct announced and unannounced inspections of a vendor's or applicant's location at any time during business hours, as stated on the application, to determine compliance with WIC program

requirements. The vendor or applicant and its employees and agents shall cooperate with the department or its designee conducting an inspection and shall provide access to records pertinent to the WIC program, including WIC transactions, shelf price records, and inventory records. The department or its designee may confiscate WIC nutrition cards in the possession of the location. The vendor must grant access to WIC program staff during the hours of operation specified on the vendor application. Failure to grant access to premises during the specified business hours may be grounds to terminate the contract.

- (G) A vendor shall be subject to audit by the department and FNS for the time period covering any present or previous WIC authorization. A vendor shall maintain all original records of purchases, gross sales receipts, state and federal income tax documents, and invoices for all authorized supplemental foods for a period of not less than three years after the end of each federal fiscal year while contracted, and upon request, shall make available the records to the department and FNS. If any litigation, claim, negotiation, audit, or other action involving the records has begun during the three-year period, the vendor shall keep the records until all issues are resolved.
- (H) A vendor shall respond in writing within fifteen calendar days after receiving a written request from the department for verification of ownership of the business entity or locations, verification of authorized food purchases and sales, or other documentation.
- (I) A vendor shall maintain current status as an authorized vendor under the food assistance program.
- (J) A vendor shall send one or more representatives from each location to all required training sessions scheduled by the department or its designee. A vendor shall inform and train cashiers, other store personnel, and agents on WIC program requirements.
- (K) A vendor shall display the department issued "WIC Nutrition Card Accepted Here" sign in a prominent place at the entrance of each location.
- (L) A vendor shall not do any of the following:
  - (1) Exchange WIC nutrition card or benefits contained on the card for cash, firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802 (in effect January 3, 2012);
  - (2) Exchange WIC nutrition card or benefits contained on the card for alcohol or alcoholic beverages or tobacco products;
  - (3) Exchange WIC nutrition card or benefits contained on the card for credit, including rain checks or non-food items.
  - (4) Provide refunds or permit exchanges for authorized food except for an exchange of an identical authorized food item when the original item is defective, spoiled, or has exceeded its "sell by," "best if used by," or other date limiting the sale or use of the food item. An identical authorized food item means the exact brand and size as the original item obtained and returned by the participant or alternate shopper;
  - (5) Provide the participant with any monetary change from a WIC transaction unless

it is a split tender transaction;

- (6) Require a participant to exchange his or her selection of authorized foods;
- (7) Redeem WIC nutrition card benefits for authorized foods not received by the participants;
- (8) Redeem WIC nutrition card benefits in which the amount of sale is more than the marked or posted prices for the authorized foods or more than the prices charged other customers;
- (9) Charge sales tax for the purchase of authorized foods;
- (10) Seek reimbursement from the department for WIC nutrition card benefits transacted by another person or location, while not authorized as a vendor under rule 3701-42-03 of the Administrative Code;
- (11) Redeem WIC nutrition card benefits for a specific authorized food item which exceeds the store's documented inventory of that authorized food item for a specific period of time;
- (12) Redeem WIC nutrition card benefits for unauthorized food items;
- (13) Redeem WIC nutrition card benefits for foods in excess of the authorized food items contained on the card;
- (14) Provide home delivery of authorized foods except as otherwise provided in this chapter of the Administrative Code.

Replaces: 3701-42-06

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CERTIFIED ELECTRONICALLY

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Certification

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Date

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