

Purchase of Infant Formula by WIC Vendors

- I. An authorized vendor shall only purchase infant formula from State Agency-approved wholesalers, distributors, and retailers licensed by the State of Utah or any other state, in accordance with applicable state law, or from infant formula manufacturers registered with the Food and Drug Administration.
- II. A current list of licensed and State Agency-approved wholesalers, distributors, retailers, and FNS-approved infant formula manufacturers is available at <https://wic.utah.gov/vendors/approved-manufacturers/>.
- III. This list does not include licensed wholesalers, distributors, or retailers that do not sell infant formula.
 - a. The infant formula list requirement (in P.L 108-265 and Policy Memorandum 2005-1, Implementation of Certain WIC Vendor Provisions of P.L. 108-265, issued on December 6, 2004) applies to "infant formula" as defined in 7 CFR 246.2 of the WIC regulations, including both "contract brand infant formula" and "non-contract brand infant formula" approved by the State Agency, but not including "exempt infant formula," or "WIC-eligible medical foods" (as also defined in 7 CFR 246.2).
 - b. If the distributor/wholesaler is out of state, that distributor/wholesaler must supply a business license number for the state of operation.
- IV. If a vendor indicates that they are purchasing infant formula from a distributor/wholesaler that is not on the State Agency authorized list, then the initial vendor application will be rejected.
 - a. For authorized vendors, this information is collected with each price survey, on all monitoring visits, and at any other time requested by the State Agency.
- V. If the authorized vendor indicates that they are obtaining product from a different distributor/wholesaler than what is on the State Agency authorized list, then the vendor is sent a letter requesting the name, address, state, zip, and license number of the distributor be sent to the State Agency within thirty (30) days.
- VI. In consultation from the Utah Food Industry Association and State Tax Commission, the State Agency will determine if this distributor/wholesaler is valid.
 - a. If approved, distributor/wholesaler will be added to the list.

- b. If the Utah Food Industry Association or the State Tax Commission determines that this is an invalid distributor/wholesaler, then the vendor will be notified and requested to change distributors/wholesalers.
- c. If the vendor does not respond within thirty (30) days, State Agency Violation Points or Sanctions will be applied.