

3701-42-01

**Definitions.**

As used in this chapter:

(A) "Alternate shopper" means any person who is designated by a women participant, or by a parent or caretaker of an infant or child participant, to obtain and transact food instrument or to obtain authorized supplemental foods on behalf of a participant, and who is listed on the "State of Ohio WIC Program Identification and Verification of Certification Coupon Holder" issued to the participant by the department or local WIC agency as being authorized to receive and negotiate food instruments on behalf of the participant. Parents or caretakers applying on behalf of infants or children participants are not alternate shoppers.

~~(A)~~(B) "Authorized supplemental foods" means authorized supplemental foods, as listed on the WIC authorized foods list prepared under paragraph (A) of rule 3701-42-05 of the Administrative Code, that are authorized by the director for distribution to participants in exchange for food instruments.

(C) "Contract" means a written agreement between the department and a vendor in which the vendor agrees to transact and redeem WIC food instruments in accordance with the provisions of this chapter.

(D) "Cost containment contract" means a contract in which the department agrees to pay and the vendor agrees to accept as payment for WIC transactions during the term of the contract, no more than eighty percent of the "not to exceed" amount indicated on the food instrument or the actual amount of sale, whichever is less.

~~(B)~~(E) "Coupon" means a document issued by the department that may be exchanged by a participant or ~~proxy~~ alternate shopper for authorized supplemental foods at a WIC retail vendor store location.

~~(C)~~(F) "Department" means the Ohio department of health.

~~(D)~~(G) "Director" means the director of health or his or her designee.

~~(E)~~(H) "EBT" means electronic benefits transfer of WIC benefits through the use of an access device, which may include an electronic debit card.

~~(F)~~(I) "EFT" means ~~electronic~~electronic funds transfer whereby payment, for properly redeemed and submitted WIC coupons is deposited electronically into an authorized vendor's financial institution.

~~(G)~~(J) "FNS" means the food and nutrition service of the United States department of agriculture.

~~(H)~~(K) "Food instrument" means a voucher, check, electronic benefits transfer device, coupon or other document that is used to obtain authorized supplemental foods.

~~(H)~~(L) "Local WIC agency" means an agency that has a contract with the director to assess nutritional needs and to certify participants for participation in the WIC program within a specified local area.

(M) "Location" means a fixed and permanent location operating as a grocery store or pharmacy where an applicant proposes to transact food instruments or a vendor transacts food instruments.

~~(J)~~(N) "Participant" means a pregnant, postpartum, or breastfeeding woman, or an infant or child who is receiving supplemental foods or ~~coupons~~food instruments under the WIC program, and the breastfed infants of participant breastfeeding women.

(1) "Breastfeeding woman" means a woman up to one year postpartum who is breastfeeding her infant.

(2) "Child" means a person who has had his or her first birthday but who has not yet attained his or her fifth birthday.

(3) "Infant" means a person ~~under~~ less than one year of age.

(4) "Postpartum woman" means a woman up to six months after termination of pregnancy.

(5) "Pregnant woman" means a woman determined to have one or more embryos or fetuses in utero.

~~(K) "Proxy" means any person who is designated by a woman participant, or by a parent or caretaker of an infant or child participant, to obtain and transact food instruments or to obtain supplemental foods on behalf of a participant and who is listed on the "State of Ohio WIC Program Identification and Verification of Certification Coupon Holder" issued to the participant by the department or local WIC agency as being authorized to receive and negotiate food instruments on behalf of the participant. Parents or caretakers applying on behalf of infants or children participants are not proxies.~~

(O) "Redeemed" means the process by which a food instrument is transacted by a vendor and submitted to a contracted processing firm for payment.

~~(L) "Retail vendor price survey" means a document that is mailed to WIC retail vendors~~

~~by the department on a periodic basis to determine the prices charged by various vendor store types for selected authorized foods.~~

~~(M)~~(P) "Special infant formula" means any formula other than milk-based or soy-based, iron-fortified infant formula that requires a physician's prescription.

~~(N)~~(Q) "Time of application" means the date the applicant or vendor initially submits an application for a WIC retail vendor contract.

~~(R)~~ "Vendor price survey" means a document that is mailed to WIC retail vendors by the department on a periodic basis to determine the prices charged for selected authorized supplemental foods.

~~(O)~~(S) "Vendor violation" means any intentional or unintentional action of a vendor's owners, officers, managers, agents, or employees (with or without the knowledge of management) that violates the vendor contract or federal or state statutes, regulations, rules, policies, or procedures governing the program.

~~(P)~~(T) "WIC program" means the special supplemental nutrition program for women, infants, and children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended, and administered in Ohio by the department under section 3701.132 of the Revised Code.

~~(O)~~(U) "WIC retail vendor" or "vendor" means a sole proprietorship, partnership, cooperative association, corporation, limited liability company, or other business entity that operates one or more grocery stores or pharmacies authorized by the director to provide authorized supplemental foods to participants or alternate shoppers under a retail vendor contract executed under paragraph (h) of 7 C.F.R. 246.12 and paragraph (A) of rule 3701-42-03 of the Administrative Code. Each store must have a single, fixed location.

~~(R)~~(V) "WIC transaction" means the receipt by a participant or ~~proxy~~ alternate shopper of authorized supplemental foods in exchange for a food instrument.

Effective:

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Certification

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Date

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