

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Maternal and Child Health**  
**(Amendment)**

**902 KAR 18:031. Participant ~~violations~~~~abuse~~.**

RELATES TO: KRS 194A.050, 194A.505, 194A.990, 7 C.F.R. Part 246, ~~[278.6, 21 U.S.C. 802.]~~

STATUTORY AUTHORITY: KRS 194A.050, 211.180~~[211.090(3)]~~, 7 C.F.R. Part 246, 42 U.S.C. 1786

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide ~~for~~ grants for state operation of the Special Supplemental Nutrition Program for Women, Infants~~],~~ and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the sanction schedule for participants who violate the participation requirements~~[participant abuse]~~ of the Kentucky Special Supplemental Nutrition Program for Women, Infants~~],~~ and Children (WIC).

Section 1. Participant Violation~~[Abuse]~~ of the Program.

(1) The state WIC agency or a local agency shall issue a written warning for the following suspected acts for which a complaint is received concerning a participant:

- (a) Purchasing unauthorized foods;
- (b) Redeeming WIC benefits at an unauthorized store;
- (c) Making a verbal offer to sell or exchange supplemental food or WIC food instruments with another individual, group, or vendor;~~or~~
- (d) Returning supplemental foods to a vendor for cash;
- (e) Posting WIC foods, benefits, or eWIC cards for sale in print or online, or allowing someone else to do so; or
- (f) Posting a WIC-issued breast pump for sale in print or online, or allowing someone else to do so.

(2) The state WIC agency or a local agency shall take the following specified action for an intentional act of violation~~[abuse]~~ by a participant:

- (a) Redeeming a food instrument before the first day to use or after the last date of use:
  1. First offense: written warning;
  2. Second offense: monthly pickup of food instruments; ~~and~~~~or~~
  3. Third or subsequent offense:
    - a. One (1) month suspension; and
    - b. Reinstatement of two (2) or three (3) month issuance shall be at the discretion of the certifying professional authority;
- (b) Redeeming a food instrument that has previously been reported to the local agency as being lost or stolen and ~~which~~ has been replaced:
  1. First offense: written warning; ~~and~~~~or~~
  2. Second and subsequent offenses: claim issued to recoup the WIC benefits that have been redeemed;
- (c) Purchasing unauthorized food:
  1. First offense: written warning; ~~and~~~~or~~

2. Second and all subsequent offenses: one (1) month suspension from the WIC program;
- (d) Redeeming WIC benefits at an unauthorized store:
1. First offense: written warning; ~~and~~~~or~~
  2. Second and all subsequent offenses: one (1) month suspension from the WIC program;
- (e) Verbal abuse or threatening physical abuse of clinic or vendor staff:
1. First offense: written warning; ~~and~~~~or~~
  2. Second and all subsequent offenses: one (1) month suspension from the WIC program;
- (f) Physical abuse of clinic or vendor staff, first and all subsequent offenses; three (3) month suspension from the WIC program;
- (g) Exchanging or selling supplemental food or a WIC food instrument with another individual, group, or vendor, first and all subsequent offenses; three (3) month suspension from the WIC program;
- (h) Exchanging supplemental food or a WIC food instrument for credit, nonfood items, or supplemental food in excess of WIC benefits prescribed, first and all subsequent offenses: three (3) month suspension from the WIC program;
- (i) Posting possible WIC issued foods, benefits, or food instruments for sale in print, online, or allowing another person to do so:
1. First offense: written warning; ~~and~~~~or~~
  2. Second offense: Three (3) month suspension;
- (j) Dual participation in more than one (1) WIC program or participation in both the WIC program and the Commodities Supplemental Food Program:
1. First offense: written warning and immediate termination from one (1) of the WIC programs. The continuing WIC agency shall be chosen based upon the participant's residence or services; ~~and~~~~or~~
  2. Second and all subsequent offenses: one (1) year disqualification from the WIC program and a claim to recoup WIC benefits previously redeemed;
- (k) Knowingly and deliberately making a false or misleading statement or misrepresenting, concealing, or withholding a fact in order to obtain program benefits:
1. First offense: three (3) month disqualification from the WIC program and a claim issued to recoup the WIC benefits redeemed; ~~and~~~~or~~
  2. Second and all subsequent offenses: one (1) year disqualification from the WIC program and a claim issued to recoup the WIC benefits redeemed; or
- (l) ~~Exchanging or selling supplemental foods [in print or online by posting WIC foods], WIC benefits, or food instruments [for sale] or allowing another person to do so:~~
1. First offense: three (3) month suspension from the WIC program; and~~written warning; or~~
  2. Second and all subsequent offenses: One (1) year disqualification from the WIC program and a claim issued to recoup the WIC benefits redeemed~~Three (3) month suspension from the WIC program~~.
- (3) Mandatory disqualification. Except as provided in subsections (4) and (5) of this section, a participant shall be disqualified from the WIC program for one (1) year if the state WIC or local WIC agency assesses:
- (a) A claim of \$~~200~~~~100~~ or more; or
  - (b) A second or subsequent claim of any dollar amount.
- (4) A mandatory disqualification shall not be imposed if, within thirty (30) days of receipt of the claim letter demanding repayment:
- (a) Full restitution is made;
  - (b) A repayment schedule is agreed on; or

- (c) The state WIC or local WIC agency approves the designation of a proxy if the participant is an infant, child, or under age eighteen (18).
- (5) A participant may reapply to participate in the WIC program before the end of a mandatory disqualification period if one (1) of the following conditions has been met:
  - (a) Full restitution is made;
  - (b) A repayment schedule is agreed upon; or
  - (c) The state WIC or local WIC agency approves the designation of a proxy if the participant is an infant, child, or under age eighteen (18).
- (6) The amount of a claim shall be determined by the value of the WIC benefits redeemed. If the claim is not paid, the participant shall be denied application to the WIC program for the number of months of benefits which were used to calculate the claim amount.
- (7) A participant with a pattern of abuse of the WIC program shall be referred to the Office of the Inspector General for prosecution under KRS 194A.505.
- (8) Activities prohibited by KRS 194A.505 apply to participants, vendors, and agency personnel. Penalties in KRS 194A.990 apply to participants, vendors, and agency personnel who have violated KRS 194A.505.

*JOHN R. LANGEFELD, MD, Commissioner*  
*STEVEN J. STACK, MD, MBA, Secretary*

APPROVED BY AGENCY: January 7, 2026

FILED WITH LRC: February 3, 2026 at 11:50 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

**CONTACT PERSON:** Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:** Julie Brooks and Krista Quarles

**Subject Headings:** Children and Minors; Public Assistance; Penalties; Public Health

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes the sanctions for participants to violate the rules for participating in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to ensure participants are aware of the potential sanctions should they knowingly violate the rules regarding participation in the WIC program.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

7 C.F.R. 246.12(u) requires states to establish procedures to control participant violations and include sanctions for participant violations. KRS 194A.050 authorizes the cabinet to enforce administrative regulations necessary to implement programs required by federal law.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation ensures participants are aware of the potential sanctions for violating the participation requirements for WIC.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

The amendment to this administrative regulation adds the posting of WIC foods, benefits, eWIC card, or a WIC issued breast pump for sale to the list of violations subject to a written warning; increases the sanction for exchanging or selling supplemental foods from a written warning for the first offense to a three (3) month suspension and increases the sanction for a second and all subsequent offenses from a three (3) month suspension to a one (1) year disqualification and a claim for recoupment; and increases the minimum amount for a claim from \$100 to \$200.

**(b) The necessity of the amendment to this administrative regulation:**

The amendment to this administrative regulation is necessary to address changes in benefit technology and to prevent violations of participation in the WIC program.

**(c) How the amendment conforms to the content of the authorizing statutes:**

7 C.F.R. 246.12(u) requires states to establish procedures to control participant violations and include sanctions for participant violations. KRS 194A.050 authorizes the cabinet to enforce administrative regulations necessary to implement programs required by federal law.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment to this administrative regulation ensures participants are aware of all potential violations and sanctions for violating the participation requirements for WIC.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.**

**(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

The amendment to this administrative regulation will impact the local WIC agencies as well as participants receiving WIC benefits. Local agencies for WIC include sixty-one (61) county and district health departments and three (3) pediatric medical centers. The WIC program supports an average of 107,000 participants per month.

**(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:**

Local agencies will need to be aware of the added violations and act accordingly should they receive a complaint of a violation. Participants will need to be aware of the sanctions for violating participation requirements.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):**

There will be no cost to local agencies. Participants who violate the participation requirements may face a loss of benefits for a timeframe specified in this administrative regulation or may receive a claim for recoupment for a serious and repeated violation.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):**

Participants will be aware of the potential sanctions for violating participation requirements.

**(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

This is an ongoing program, there is no initial cost.

**(b) On a continuing basis:**

According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately \$112 million dollars to administer the program.

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

The WIC program is funded through a grant from the U.S. Department of Agriculture.

**(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

An increase in fees or funding is not necessary to implement the amendment to this administrative regulation.

**(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

There are no fees associated with this administrative regulation.

**(10) TIERING: Is tiering applied?**

Tiering is not applied as the requirements are applied equally to all applicants.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 194A.050, 211.180, 7 C.F.R. 246, and 42 U.S.C. 1786.

**(2) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.

**(a) Estimate the following for the first year:**

**Expenditures:**This administrative regulation does not impact expenditures for the promulgating agency.

**Revenues:**The WIC program receives approximately \$112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).

**Cost Savings:**This administrative regulation does not result in cost savings.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

The funding from USDA to support the WIC program is dependent on federal monies available.

**(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

Local health departments that operate a WIC program are affected local entities.

**(a) Estimate the following for the first year:**

**Expenditures:**The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.

**Revenues:**The state program provides funding from the grant dollars received to support the local agencies who implement WIC.

**Cost Savings:**This administrative regulation does not result in cost savings.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

Subsequent year expenditures, revenues, and cost savings will be dependent on the amount of federal funding received from the USDA.

**(4) Identify additional regulated entities not listed in questions (2) or (3):**

Current and future WIC participants are additional regulated entities.

**(a) Estimate the following for the first year:**

**Expenditures:**This administrative regulation does not impact the expenditures of WIC participants who do not violate the participation requirements.

**Revenues:**This administrative regulation does not generate revenue for WIC participants.

**Cost Savings:**This administrative regulation does not result in cost savings for WIC participants.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

The expenditures, revenues, and cost savings will not change in subsequent years.

**(5) Provide a narrative to explain the:**

**(a) Fiscal impact of this administrative regulation:**

This administrative regulation is budget neutral.

**(b) Methodology and resources used to determine the fiscal impact:**

The amendment to this administrative regulation does not impact program expenditures, revenues, or cost savings.

**(6) Explain:**

**(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)**

This administrative regulation will not have an overall negative or adverse major economic impact.

**(b) The methodology and resources used to reach this conclusion:**

This administrative regulation does not generate revenue for the regulated entities. It will not result in an increase in expenditures or result in cost savings.

## FEDERAL MANDATE ANALYSIS COMPARISON

**(1) Federal statute or regulation constituting the federal mandate.**

7 C.F.R. 246 and 42 U.S.C. 1786.

**(2) State compliance standards.**

KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.

**(3) Minimum or uniform standards contained in the federal mandate.**

7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.3(b) delegates authority for the effective and efficient administration of the program to states. 7 C.F.R. 246.12(u) requires the state agency to establish procedures designed to control participant violations as well as to establish sanctions for participant violations. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.

**(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?**

No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.

**(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.**

Not applicable.