



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

May 28, 2020

REGULATORY BULLETIN 2020-01

NOTICE OF FINAL ACTION

Subject

Final Action of the Notice of Proposed Changes posted as [Regulatory Alert 2020-01](#) on February 4, 2020, which is available on the [WIC Laws & Regulations webpage](#).

Date of Adoption

The Final Action will be effective June 30, 2020.

Stakeholder Comments and Responses

Please see Attachment 1 of this Regulatory Bulletin for the stakeholder comment(s) and the Department's response(s).

Regulation

The Department made minor, clarifying changes to the regulation text proposed in sections 70725 and 71050 of Regulatory Alert 2020-01. New text is indicated with underlining and deleted text is indicated with ~~strikethrough~~.

Article 2. Peer Group Criteria

50200 Full-Line Grocery Peer Group/Category B.

(a) Vendors receiving less than or equal to fifty (50) percent of their annual food sales revenue from WIC redemptions who meet the definition of a full-line grocery store shall be classified as full-line grocers and placed in Peer Group Category B.

(1) For purposes of this section, the Department shall use the following definitions to determine variety and quantity of food items stocked:



CDPH Women, Infants and Children (WIC) Division
3901 Lennane Drive MS 8600 Sacramento, CA 95834
P.O. Box 997375 MS 8600 Sacramento, CA 95899-7375
(916) 928-8500 [Division Website](#) (www.wicworks.ca.gov)



- (A) A variety includes different types of food items in the food group. For purposes of this section, food groups include cereals, breads/tortillas, fresh dairy products, fresh fruits and vegetables, and fresh meats/poultry/seafood. For example, a variety of dairy products includes eggs, cheese, milk, yogurt, and butter. A variety of cereal includes but is not limited to shredded wheat, toasted o's, corn flakes, rice flakes, puffed rice, oatmeal, and cream of wheat. A variety of breads includes but is not limited to rye, whole wheat, white, and multi-grain. A variety of breads also includes different forms of bread, regardless of the grain; for example, a variety of bread includes rolls, a whole loaf, a pre-sliced loaf, and buns. A variety of fresh meats includes but is not limited to different cuts of the same type of fresh meat. For example, a variety of fresh meats includes boneless chicken breasts, chicken legs, whole chicken and ground chicken.
- (B) The variety requirement cannot be met by stocking different brands or flavors of the same food item. For example, a variety of fresh dairy products does not include five (5) different brands of yogurt. A variety of fresh dairy products also does not include five (5) different flavors of yogurt. A variety of cereal does not include different brands of the same type of cereal or different flavors of the same brand. For example, a variety of cereal does not include different brands of puffed rice or different flavors of toasted o's. Rolled oats, steel cut oats and instant oatmeal shall not count as more than one (1) variety.
- (C) For food items packaged for sale as one item, a unit shall mean one package.
- (D) For food items sold in bulk quantities, a unit shall be determined by the method in which the food item is sold. For example if produce or meat is sold by weight, a unit shall be one pound. For example for bananas, apples, oranges and other fruits sold by the pound, one pound shall be one unit.
- (E) For products sold in set quantities, a unit shall be one (1) set quantity. For example, a head of lettuce sold by the head shall be one (1) unit. An avocado or banana sold individually shall be one (1) unit.
- (F) For the purposes of this section, "fresh" food items shall not include cooked, frozen, canned, dried, or other shelf stable food items.

- (2) A full-line grocer shall be defined as a vendor stocking the following:
- (A) Cereal: five (5) or more varieties with five (5) units of each variety. Single serving units of cereal packaged for sale will not be counted toward the variety or quantity required to meet the full-line grocery definition described in this subsection.
 - (B) Breads/Tortillas: four (4) or more varieties with five (5) units of each variety. Frozen breads will not be counted toward the variety or quantity required to meet the full-line grocery definition described in this subsection.
 - (C) Fresh Dairy Products: five (5) or more varieties with five (5) units of each variety.
 - (D) Fresh Fruits and Vegetables: seven (7) or more fresh fruits and seven (7) or more fresh vegetable varieties with five (5) units of each variety.
 - (E) Fresh Meats/Poultry/Seafood: four (4) or more varieties with five (5) units of each variety.
- (3) Vendors assigned to Category B shall be assigned to subgroups based on the number of cash register systems (registers) in the store:
- (A) 1-2 registers
 - (B) 3-5 registers
 - (C) 6-9 registers
 - (D) 10+ registers
 - (E) Only cash register systems that comply with section 70300 shall be counted in accordance with the following subsections:
 1. All registers shall be counted whether they are used full time or occasionally.
 2. All registers in specialty locations or sections shall be counted if those registers transact any "foods sales," as defined in 7 Code of Federal

Regulations part 246.2. Examples of specialty locations or sections include but are not limited to jewelry, clothing, and electronics.

3. Specialty locations shall not be included in the register count if the location does not have a register.
4. Automated Teller Machines (ATMs) or in-store banks with registers shall not be included in the register count.
5. A checkout location equipped with both a register and a separate EBT Capable Terminal shall be counted as one (1) register.

Article 4. Vendor Authorization Criteria.

70000 Vendor Authorization Criteria.

- (a) When authorizing a vendor the Department shall assign a peer group to new vendor applicants for purposes of authorization. For determining ongoing compliance with authorization criteria the Department shall apply the criteria based on the vendor's currently assigned peer group.
- (b) In order to be authorized for participation in the program all vendors must enter into a vendor agreement with the Department.
- (c) The Department shall apply the vendor authorization criteria in this article to all vendors throughout the authorization period and to vendor applicants. Vendor applicants will be denied authorization for failure to meet the vendor authorization criteria. If a vendor fails to meet the authorization criteria at any time during the authorization period, the Department shall terminate the vendor's participation in WIC.

70001 Definitions.

- (a) For purposes of this article, the following definitions apply:
 - (1) *Authorized Product List.* The Authorized Product List or APL is an electronic file of all Universal Product Codes (UPCs) and Price Look-Up codes (PLUs) for supplemental foods authorized by the Department.
 - (2) *Certifying Entity.* The Certifying Entity is an agent of the Department that is authorized to conduct certification and recertification testing for Point of Sale

Systems to determine whether a system meets the requirements necessary to be deemed an EBT Capable Point of Sale System.

- (3) *Department*. The Department is the California Department of Public Health, which administers the California Special Supplemental Nutrition Program for Women, Infants, and Children.
- (4) *EBT Balance Inquiry*. An EBT Balance Inquiry is an essential function of an EBT Capable Point of Sale System that is used to obtain the benefit balance, also known as the food balance, associated with a participant's WIC EBT card.
- (5) *EBT Transactions*. EBT Transactions include EBT food instrument transactions for WIC authorized supplemental foods or EBT Balance Inquiries.
- (6) *Lane*. A Lane is a checkout location that is capable of transacting "food sales," as defined in 7 Code of Federal Regulations part 246.2.
- (7) *Point of Sale System*. A Point of Sale System is the hardware and software that is used to process transactions. A Point of Sale System includes one (1) or more Terminals and may also include bar code scanners, printers, cash register systems, or back office software.
- (8) *Point of Sale System, EBT Capable*. An EBT Capable Point of Sale System is a Point of Sale System that has been certified for use in California by the Department or the Department's Certifying Entity based on the determination that the system complies with all federal requirements for online WIC EBT point of sale systems set forth in the United States Department of Agriculture's (USDA's):
 - (A) "Operating Rules Women, Infants and Children (WIC) Electronic Benefit Transfer (EBT)"; and
 - (B) "WIC EBT Technical Implementation Guide."
- (9) *Terminal*. A Terminal is the component of a Point of Sale System that is located at a checkout location and is used to process transactions. A Terminal typically includes a card reader, key pad, display screen, printer, hardware, and software.
- (10) *Terminal, EBT Capable*. An EBT Capable Terminal is a Terminal that is part of, or independently meets the criteria for, an EBT Capable Point of Sale System.

(11) *WIC Program*. The WIC Program is the California Special Supplemental Nutrition Program for Women, Infants, and Children.

70300 Cash Register Systems.

(a) Each vendor and vendor applicant shall maintain and use a cash register system for conducting all business sales transactions.

(1) For paper food instrument transactions:

(A) The cash register system shall calculate, record, and print a daily totals summary of all sales transactions conducted during each business day showing the transfer of goods for money or monetary equivalents.

(B) The daily totals summary of all sales transactions from the cash register system shall have the vendor's name and address, the transaction date, the quantity purchased, the sale price of the item purchased, the amount of tax charged, and the indication of tax status. Cash register receipt detail and daily totals summaries are part of the standard business records vendors are required to maintain for a minimum of three (3) years and are subject to both verification and Program audit. The daily totals summary of all sales transactions may be retained in paper or electronic formats.

(2) For EBT Transactions, a vendor's EBT Capable Point of Sale System is considered a cash register system.

(b) The cash register system shall automatically print an itemized receipt of each paper food instrument transaction and EBT Transaction. The vendor shall give the receipt(s) to the customer.

(1) For EBT food instrument transactions, receipts shall comply with the requirements in the United States Department of Agriculture's (USDA's) "Operating Rules Women, Infants and Children (WIC) Electronic Benefit Transfer (EBT)" (Operating Rules) and "WIC EBT Technical Implementation Guide" (Technical Implementation Guide). At minimum, an EBT food instrument transaction receipt shall include the following information:

(A) Last four (4) digits of the card number of the Primary Account Number (PAN). No other portion of the PAN may be printed on the receipt;

- (B) Vendor name. The vendor name is the generally accepted name for the location or a name consistent with the application the vendor submitted to the Department to become an authorized WIC vendor;
 - (C) Vendor street address, city, state abbreviation, and zip code;
 - (D) Local date and time of the transaction;
 - (E) WIC food item identifier, if a separate WIC Purchase receipt is not provided;
 - (F) Benefit expiration date and time;
 - (G) Purchased food items, including the food item quantity, description, and unit of measure;
 - (H) Unit cost;
 - (I) Total transaction amount;
 - (J) Discounts (coupons) applied;
 - (K) Benefits remaining, including the benefit description, quantity, and unit of measure; and
 - (L) A unique transaction identifier or systems trace audit number.
- (2) For EBT Balance Inquiries, receipts shall comply with the requirements in the USDA's Operating Rules and Technical Implementation Guide. At minimum, an EBT Balance Inquiry receipt shall include the following information:
- (A) Last four (4) digits of the card number of the PAN. No other portion of the PAN may be printed on the receipt;
 - (B) Vendor name. The vendor name is the generally accepted name for the location or a name consistent with the application the vendor submitted to the Department to become an authorized WIC vendor;
 - (C) Vendor street address, city, state abbreviation, and zip code;
 - (D) Local date and time of the balance inquiry;

- (E) Benefit expiration date or benefit effective and benefit ending dates;
- (F) Benefits available (even if zero (0) balances), including the benefit description, quantity, and unit of measure; and
- (G) A unique transaction identifier or systems trace audit number.

70725 EBT Capability.

- (a) All vendors and vendor applicants shall obtain an EBT Capable Point of Sale System certified for use in California and use the EBT Capable Point of Sale System for all EBT Transactions.
 - (1) A list of all certified EBT Capable Point of Sale Systems shall be available on the Department's website. This list does not represent the Department's connection with, or approval or endorsement of, the certified systems or their manufacturers.
- (b) Vendors shall maintain the EBT Capable Point of Sale System in a manner that ensures the system's ongoing compliance with all federal requirements for online WIC EBT point of sale systems set forth in the United States Department of Agriculture's (USDA's):
 - (1) "Operating Rules Women, Infants and Children (WIC) Electronic Benefit Transfer (EBT)" (Operating Rules); and
 - (2) "WIC EBT Technical Implementation Guide" (Technical Implementation Guide).
- (c) If the Department determines that a vendor's previously certified Point of Sale System ~~is~~ does not comply with the Operating Rules' or Technical Implementation Guide's requirements for accurately settling, reconciling, or processing EBT Transactions or processing the Authorized Product List, the Department shall issue the vendor a written notice to stop use of the Point of Sale System for WIC EBT Transactions.
 - (1) Upon receipt of such notice, the vendor shall immediately stop use of the Point of Sale System for EBT Transactions and either:
 - (A) Obtain and use a different EBT Capable Point of Sale System and notify the Department in writing upon installation of the system; or

- (B) Request that the Certifying Entity recertify the vendor's current Point of Sale System. The vendor shall notify the Department in writing when the system has been recertified.
- (2) If, after five (5) days from the date of the notice, the vendor has not stopped use of the Point of Sale System for EBT Transactions, the Department shall temporarily freeze the vendor's ability to transact EBT food instruments.
- (3) If, after thirty (30) days from the date of the notice, the vendor has not complied with subsection (c)(1)(A) or (c)(1)(B), the vendor shall be terminated for failure to meet vendor authorization criteria.
- (d) A vendor that is temporarily unable to process EBT Transactions shall post a notice stating: "California WIC Card Transactions are Temporarily Unavailable at this Location." The notice shall be affixed to either the front window or the front door of the vendor's store. If the vendor's store has multiple entrances that customers use during store hours, the vendor shall post this notice at all such entrances.
- (1) Vendors that are temporarily unable to accept EBT Transactions include but are not limited to:
- (A) Vendors experiencing temporary internet or power outages; and
- (B) Vendors that have received a notice from the Department pursuant to subsection (c).
- (e) A vendor or vendor applicant that the Department determines is necessary for participant access as specified in California Code of Regulations, title 22, section 40740, subdivision (h), may ~~mail a request~~ submit a written request for Department-subsidized equipment in order to meet the vendor authorization criteria set forth in this section. The Department shall furnish the vendor or vendor applicant with such equipment in the manner set forth in section 71050, subsection (d)(1).

71050 Minimum Lane Coverage Requirements.

(a) Definitions. For purposes of this section, the following definitions apply:

- (1) "Annual gross food sales" means the vendor's documented non-taxable sales of food products, as calculated by the Department in accordance with subsection (c)(2)(B)3.

- (2) "Monthly WIC redemptions" means the monthly average of the vendor's WIC redemptions for the most recent six (6)-month period, rounded to the nearest dollar, as calculated using the Department's WIC redemption information.

(b) Assessments and Reassessments of Minimum Lane Coverage Requirements.

- (1) At initial authorization, and at any reauthorization that occurs before a vendor has at least six (6) months of annual gross food sales and monthly WIC redemptions data, the Department shall assess the minimum number of Lanes that ~~a vendor~~ the vendor or vendor applicant is required to equip with EBT Capable Terminals pursuant to subsection (c)(2)(A).
- (2) After one (1) year from the vendor's initial authorization, and at reauthorization, the Department shall reassess the minimum number of Lanes that a vendor is required to equip with EBT Capable Terminals pursuant to subsection (c)(2)(B). The Department may also reassess a vendor's minimum lane coverage requirements at any time during the term of the vendor agreement.
- (3) A vendor that has been authorized for at least six (6) months may submit a written request for the Department to reassess the minimum number of Lanes that the vendor is required to equip with EBT Capable Terminals. This reassessment shall be made in accordance with subsection (c)(2)(B) and the Department shall provide no more than one (1) reassessment per vendor per year pursuant to this subsection.

(c) Minimum Lane Coverage Requirements.

- (1) When determining the number of Lanes in a vendor's store:
 - (A) All Lanes shall be counted whether they are used full-time or occasionally.
 - (B) All Lanes in specialty areas or sections shall be counted if the checkout location is capable of transacting "food sales," as defined in 7 Code of Federal Regulations part 246.2. Examples of specialty areas or sections include but are not limited to jewelry, clothing, and electronics sections, as well as delicatessens and coffee bars where customers may order prepared foods and drinks.
 1. Specialty areas or sections shall not be included in the lane count if the checkout location is incapable of transacting food sales.

(C) Automated Teller Machines (ATMs) or in-store banks shall not be included in the lane count.

(2) To satisfy applicable minimum lane coverage requirements, vendors and vendor applicants shall equip Lanes with EBT Capable Terminals as follows:

(A) All vendor applicants, and all vendors that have not undergone a reassessment pursuant to subsection (b)(2) or (b)(3), shall equip at least one (1) Lane with an EBT Capable Terminal.

(B) All vendors that have had their minimum lane coverage requirements reassessed by the Department pursuant to subsection (b)(2) or (b)(3) shall equip Lanes with EBT Capable Terminals based on the reassessment, which shall take into account the vendor's annual gross food sales and monthly WIC redemptions.

1. If the vendor's annual gross food sales are greater than two million dollars (\$2,000,000), the vendor shall equip Lanes with EBT Capable Terminals as follows:

A. At least one (1) EBT Capable Terminal if the vendor has less than eleven thousand dollars (\$11,000) in monthly WIC redemptions.

B. At least two (2) EBT Capable Terminals if the vendor has eleven thousand and one dollars (\$11,001) to twenty-two thousand dollars (\$22,000) in monthly WIC redemptions.

C. At least three (3) EBT Capable Terminals if the vendor has twenty-two thousand and one dollars (\$22,001) to thirty-three thousand dollars (\$33,000) in monthly WIC redemptions.

D. At least four (4) EBT Capable Terminals if the vendor has greater than thirty-three thousand and one dollars (\$33,001) in monthly WIC redemptions.

E. A vendor shall not be required to equip more than four (4) EBT Capable Terminals, or more EBT Capable Terminals than the number of Lanes in the vendor's store, regardless of the vendor's annual gross food sales or monthly WIC redemptions.

2. If the vendor's annual gross food sales are less than or equal to two million dollars (\$2,000,000), the vendor shall equip Lanes with EBT Capable Terminals as follows:
 - A. At least one (1) EBT Capable Terminal if the vendor has less than eight thousand dollars (\$8,000) in monthly WIC redemptions.
 - B. At least two (2) EBT Capable Terminals if the vendor has eight thousand and one dollars (\$8,001) to sixteen thousand dollars (\$16,000) in monthly WIC redemptions.
 - C. At least three (3) EBT Capable Terminals if the vendor has sixteen thousand and one dollars (\$16,001) to twenty-four thousand dollars (\$24,000) in monthly WIC redemptions.
 - D. At least four (4) EBT Capable Terminals if the vendor has greater than twenty-four thousand and one dollars (\$24,001) in monthly WIC redemptions.
 - E. A vendor shall not be required to equip more than four (4) EBT Capable Terminals, or more EBT Capable Terminals than the number of Lanes in the vendor's store, regardless of the vendor's annual gross food sales or monthly WIC redemptions.
3. For purposes of this section, annual gross food sales shall be calculated as follows:
 - A. If the vendor files California Department of Tax and Fee Administration State, Local, and District Sales and Use Tax Return statements (CDTFA statements), upon request by the Department, the vendor shall provide true, correct, and complete copies of its most recently filed CDTFA statement(s). The CDTFA statement(s) shall be provided to the Department within thirty (30) days of the date of the Department's request. Except as provided in this subsection, the vendor's CDTFA statement(s) shall cover a period of twelve (12) months. If the vendor has not been in operation long enough to have filed CDTFA statement(s) covering a full twelve (12) months, the vendor shall provide CDTFA statement(s) covering the most recent six (6)-month period.

- i. If the vendor provides CDTFA statement(s) covering a period of twelve (12) months, the Department shall calculate the vendor's annual gross food sales as the vendor's total non-taxable sales of food products for the twelve (12)-month period set forth in the CDTFA statement(s).
 - ii. If the vendor provides CDTFA statement(s) covering the most recent six (6)-month period, the Department shall calculate the vendor's annual gross food sales as the vendor's total non-taxable sales of food products for the most recent six (6)-month period set forth in the CDTFA statement(s), multiplied by two (2).
- B. If the vendor does not file CDTFA statements because the vendor does not sell any taxable goods, or if the vendor recently began operations and has not yet filed CDTFA statements covering at least six (6) months of sales, upon request by the Department, the vendor shall provide true, correct, and complete copies of its most recent monthly sales statements and inventory records detailing the vendor's sales of foods eligible for purchase under the Supplemental Nutrition Assistance Program (SNAP-eligible foods). The monthly sales statements and inventory records shall be provided to the Department within thirty (30) days of the date of the Department's request. Except as provided in this subsection, the vendor's monthly sales statements and inventory records shall cover a period of twelve (12) months. If the vendor has not been in operation long enough to have monthly sales statements and inventory records covering a full twelve (12) months, the vendor shall provide monthly sales statements and inventory records covering the most recent six (6)-month period.
 - i. If the vendor provides monthly sales statements and inventory records covering a period of twelve (12) months, the Department shall calculate the vendor's annual gross food sales as the vendor's total sales of SNAP-eligible foods for the twelve (12)-month period set forth in the monthly sales statements and inventory records.
 - ii. If the vendor provides monthly sales statements and inventory records covering the most recent six (6)-month period, the Department shall calculate the vendor's annual gross food sales as the vendor's total sales of SNAP-eligible foods for the most recent

six (6)-month period set forth in the monthly sales statements and inventory records, multiplied by two (2).

(3) Self-Checkout Lanes.

(A) A vendor or vendor applicant that makes both attended Lanes with cashiers and self-checkout Lanes available to non-WIC customers shall not equip only self-checkout Lanes with EBT Capable Terminals.

(d) ~~Equipment Provided by the Department~~ Department-Subsidized Equipment.

(1) If the Department determines that the vendor or vendor applicant is necessary for participant access as specified in California Code of Regulations, title 22, section 40740, subdivision (h), upon written request by the vendor or vendor applicant, the Department shall ~~provide the vendor or vendor applicant with~~ subsidize the number of EBT Capable Terminals necessary to meet the vendor's or vendor applicant's minimum lane coverage requirements.

(2) If, after a reassessment pursuant to this section, the minimum lane coverage requirements for a vendor using Department-provided equipment ~~is~~ are reduced, the Department shall stop paying the monthly charge, as set forth in the merchant agreement between the vendor and the Certifying Entity, for any EBT Capable Terminal(s) in excess of the vendor's reassessed minimum lane coverage requirements. Payment shall terminate after thirty (30) days from the date of the Department's written notice of intent to stop payment.

(e) Any vendor that fails to submit the annual gross food sales documentation requested by the Department pursuant to this section shall be issued a written notice of the vendor's failure to meet authorization criteria. If, after thirty (30) days from the date of the notice, the vendor has failed to submit the requested annual gross food sales documentation, the Department shall terminate the vendor's agreement.

(f) Any vendor that fails to meet applicable minimum lane coverage requirements pursuant to this section shall be issued a written notice of the vendor's failure to meet authorization criteria. If, after thirty (30) days from the date of the notice and within a twenty-four (24) month period from the date of the notice, the vendor subsequently fails to meet the minimum lane coverage authorization criteria, the vendor shall have demonstrated a pattern of failure to meet vendor authorization criteria and shall be disqualified for a period of one (1) year.

71400 Restrictions and Allowed Uses of the WIC Acronym and WIC Logo.

(a) For purposes of this section and all contracts, instructions, forms and other documents related hereto, the following terms are defined:

(1) General Definitions

(A) Point of Display. Point of Display items are used to identify WIC authorized supplemental foods and where authorized supplemental foods are located or shelved. Point of Display items include shelf talkers and signs.

(2) Printing and Image Definitions

(A) CMYK. CMYK, also known as process color, four-color or full color, refers to the four process colors (cyan, magenta, yellow and black) used to create all colors in standard color printing. This process is one of two allowed printing processes for reproduction of the California WIC logo. The CMYK process can create thousands of clear, vibrant colors; therefore, this option is permitted and is the preferred image file for vendors to reproduce the California WIC logo.

(B) EPS Format. EPS, Encapsulated PostScript, is a method for creating logos and other line-art illustrations using mathematical vectors to define the lines and curves that make up the logo or other artwork. These vectors retain proportion within the artwork regardless of how it is resized without loss of detail or distortion. This format is the only allowable option permitted for all reproduction of the California WIC logo.

(C) Spot Color. Spot Color refers to an image file which uses individual Pantone colors instead of CMYK process to reproduce the California WIC logo. It takes four separate Pantone colors to print the logo and the results will not be as rich in color as the CMYK process defined above. This format is one of two allowed options permitted for all reproduction of the California WIC logo. The black and white EPS image file is a variant of the spot color logo that uses a single color (black) to create the California WIC logo.

(D) Vector. Graphic images created by a computer program and stored in file format as a series of numbers which define shape, position and color of EPS images. Vectors are object-oriented and work as a whole unit together. The mathematic property of the vectors allows increase and decrease in image size without distortion.

- (E) White Space Required for Newspaper Ad or Insert. Visual area surrounding logo which must be free of typeset, color, or other imagery to prevent detracting from the appearance of the logo. White space is literally space around the logo which is white.
- (b) The federal WIC logo and the WIC acronym are registered service marks of the United States Department of Agriculture (USDA). The federal WIC logo and the California WIC logo are the property of the Federal and State Governments, respectively. Vendors and vendor applicants shall not use the WIC acronym or logo except as permitted in this Section 71400:
- (1) Vendors and vendor applicants shall not use the federal WIC logo or acronym or the State WIC logo or acronym or close facsimiles thereof, in total or in part in any manner, without prior written consent of the Department.
 - (2) The Department shall deny authorization or shall not continue authorization of a vendor or vendor applicant whose name or logo includes the WIC acronym, the federal WIC logo, the California WIC logo, or close facsimiles thereof, in total or in part, either in the official name in which the vendor or vendor applicant is registered or in the name under which it does business, if different. This includes, but is not limited to, using the letters "W", "I", and "C" in that order next to one another in the vendor or vendor applicant's name, or these letters in that order but not next to one another, with the letters made to stand out in some fashion, such as with a different color or size than other letters.
 - (3) Vendors and vendor applicants must not attach or affix in any manner the WIC acronym, the federal WIC logo, or the California WIC logo on any authorized supplemental food or incentive item.
 - (4) Vendors and vendor applicants may use the California WIC logo only on materials produced or approved by the Department including shelf talkers, posters, signs, decals or stickers.
 - (5) Vendors may reproduce the California WIC logo in dated, general circulation newspaper ads or inserts that advertise the vendor's store, as specified in subsection (d) below.
- (c) Upon prior written approval by the Department vendors are permitted to print the California WIC logo pursuant to the printing and formatting requirements specified in this Section 71400. When using the California WIC logo, the vendor shall use only

the California WIC logo files that are available for download on the Vendor WIC Information eXchange website (“VWIX”) at: <https://vwix.ca.gov>. These are the only image file options available to WIC authorized vendors for printing the California WIC logo image; no other image file formats are allowed.

(1) Vendors shall print the California WIC logo image using the CMYK process or spot color image file options, as defined in subsection (a) above and in color as specified in subsections (c)(1)(B)-(C) below:

(A) The California WIC logo and tagline may appear in a single color, but only in black on white.

(B) The CMYK combination, a permitted and preferred option, which produces a full-color image of the California WIC logo, shall be as follows:

1. Purple: fifty (50) percent cyan, ninety (90) percent magenta, zero (0) percent yellow, and zero (0) percent black.
2. Red: zero (0) percent cyan, ninety-one (91) percent magenta, eighty-seven (87) percent yellow, and zero (0) percent black.
3. Lime: forty-three (43) percent cyan, zero (0) percent magenta, seventy-nine (79) percent yellow, and zero (0) percent black.
4. Green: seventy-five (75) percent cyan, zero (0) percent magenta, one-hundred (100) percent yellow, and zero (0) percent black.

(C) Pantone colors, a permitted option of the CMYK combination, is used to produce a full-color image of the California WIC logo, shall be as follows:

1. Purple: Pantone 258
2. Red: Pantone 179
3. Lime: Pantone 368
4. Green: Pantone 361

(2) When printing the California WIC logo, vendors shall ensure the California WIC logo remains intact each time it is printed. The California WIC logo includes the

WIC acronym and tagline “Families grow healthy with WIC.” The vendor shall not use the tagline as a separate graphic element. Shelf talkers are the only exception and may be printed without the tagline.

- (3) When printing the California WIC logo, vendors shall not distort the California WIC logo. When enlarging or scaling it down, vendors shall keep the logo proportionate in size. Changes to the size must be the same percentage increase in both height and width. For example, if the height of the logo image is increased twenty-five (25) percent, the width must also be increased twenty-five (25) percent.
 - (4) When printing the California WIC logo, vendors shall print only the California WIC logo and not add any additional graphics or text around the logo. Exception: upon approval by the Department additional graphics or text may be allowed when printing the California WIC logo in general circulation newspaper ads or inserts that advertise the vendor’s store when used as specified in subsection (b)(5).
 - (5) When printing the California WIC logo, vendors shall maintain integrity of the California WIC logo when printing in newspaper ads or inserts by using the white space, as defined in subsection (a)(2)(E), around the logo as downloaded from WWIX.
 - (6) Vendors shall not wrap text around the white space surrounding the California WIC logo. Vendors shall always leave enough white space around the logo to prevent “crowding” by other elements.
 - (7) Vendors shall print the California WIC logo in a white box when the logo is placed on a background color or photograph. Vendors shall not print the logo on a solid background color, screen or tint of a color, or a photographic or illustrative background if the background shows through the logo.
 - (8) Vendors shall not enclose the California WIC logo in other framing shapes including, but not limited to circles or ellipses.
- (d) Vendor uses of the California WIC logo. The California WIC logo shall be used only as specified in this subsection (d).
- (1) Posters. The Department may provide vendors with posters which include the California WIC logo to identify a store as authorized to accept food instruments from participants for the sale of authorized supplemental foods. Vendors shall not

print posters with the federal WIC logo, the WIC acronym, or the California WIC logo. Only posters provided by the Department may include the WIC acronym or logo. Posters provided by the Department may be displayed only on store walls and boards or in window displays.

- (2) Decals. The Department may provide vendors with decals to identify a store as authorized to accept food instruments from participants for the sale of authorized supplemental foods. Only decals provided by the Department may be used if the decals include the WIC acronym or logo. Department supplied decals may only be affixed to windows or doors. Vendors shall not print or display any other decals with the federal WIC logo, the WIC acronym, or the California WIC logo.
- (3) EBT Lane Markers. The Department may provide vendors with EBT lane markers to identify the Lanes where the vendor processes WIC EBT Transactions. EBT lane markers provided by the Department may be displayed only on Lanes equipped with EBT Capable Terminals or at locations where customers may form a line to use one or more Lanes equipped with EBT Capable Terminals. Only EBT lane markers provided by the Department may include the WIC acronym or logo, and vendors shall not print or display any other EBT lane markers with the federal WIC logo, the WIC acronym, or the California WIC logo.
- (4) Point of Display Items
 - (A) Signs. The Department may provide vendors with signs to identify WIC authorized supplemental foods and where the food items are located or shelved. Signs provided by the Department may be affixed only to displays to identify where authorized supplemental food are located or to emphasize fruits and vegetables as a food item choice. Except as provided in this subsection (d)(4)(A), vendors shall not print or display signs with the federal WIC logo, the WIC acronym, or the California WIC logo.
 1. Vendors may print signs with the California WIC logo in accordance with the standards set forth in this subsection. When printing signs for WIC authorized supplemental foods, a vendor may use only the following image containing the California WIC logo, which is available on VWIX and represented below. Vendors may resize the following logo up to six (6) inches in height, but shall not distort the proportion of the logo image. This image is available on VWIX for use as a sign.

A. Logo for Signs



(B) Shelf Talkers. Vendors may display shelf talkers to identify WIC authorized supplemental foods. Shelf talkers may be affixed only to shelves to identify where authorized supplemental foods are located or shelved. Shelf talkers may be provided by the Department or printed by a vendor in accordance with subsections (d)(4)(B)1.-3. below.

1. Shelf talkers printed by a vendor that identify WIC authorized supplemental foods shall comply with the printing and formatting requirements specified in subsection (c).
2. Shelf talkers for WIC authorized supplemental foods shall be printed in color.
3. When printing shelf talkers for WIC authorized supplemental foods, a vendor may use only the images available on VWIX and represented below. Vendors shall not resize or make any other changes to these images.

A. Right Shelf Talker



B. Left Shelf Talker



C. Standard Shelf Talker



(5) Newspaper Ads or Inserts. Upon approval of the Department, vendors may print the California WIC logo in dated, general circulation newspaper ads or inserts that advertise the vendor's store (for example, a weekly store ad).

(A) Newspaper ads or inserts printed by a vendor must comply with the printing and formatting requirements specified in subsection (c).

(B) Newspaper ads or inserts may be printed in color or in black and white. The black and white logo may only be used in black and white newspaper ads or inserts.

(C) When printing newspaper ads or inserts a vendor may only use one of the following logos, available on VWIX and represented below. The following logos may not be printed larger than one-eighth (1/8) of the total size of the ad or insert:

1. Color Logo



2. Black and White Logo



- (e) All vendors wishing to print or use the WIC logo pursuant to the requirements of this Section 71400 shall submit a sample of the proposed use prior to printing or publication to the Department for approval. The Department will review the proposed use for compliance with this Section 71400 and issue a determination as to whether the use is approved within ten (10) business days of receipt of request for approval.
- (f) Vendors found to be out of compliance with this section on the first incidence will be issued a written notice of the vendor's failure to comply with restrictions on the use of the WIC acronym and logo. If after thirty (30) days from the date of the notice and within a twenty-four (24) month period from the date of the notice the vendor in a subsequent incident fails to comply with restrictions on the use of the WIC acronym and logo, the vendor shall have demonstrated a pattern of failure to comply with restrictions on the use of the WIC acronym and logo and shall be disqualified from participation in the program for a period of one (1) year for failure to meet authorization criteria.

Attachment 1

Regulatory Bulletin 2020-01: Stakeholder Comments and Responses to Comments

**California Special Supplemental Nutrition Program
for Women, Infants, and Children**

May 28, 2020

Health and Safety Code section 123322 authorizes the California Department of Public Health (CDPH) to establish regulations regarding vendor authorization criteria for the California Special Supplemental Nutrition Program for Women, Infants, and Children using a regulatory bulletin process. The Department is utilizing this process to amend existing sections 50200, 70000, 70300, and 71400 of the WIC Bulletin Regulations and adopt new sections 70001, 70725, and 71050. This document is intended to provide responses to stakeholder comments on these proposed changes, as specified in [Regulatory Alert 2020-01](#).

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Table of Contents

How to use this Document	1
Written Comment Letters Received	2

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How to use this Document

This document consists of one written stakeholder letter received during the stakeholder comment period between February 4 and March 6, 2020. This document also includes the Department's response to the stakeholder comment.

Written Comment Letters Received

Comment letters received by the Department regarding Amendments to Sections 50200, 70000, 70300, and 71400, and Adoption of Sections 70001, 70725, and 71050 proposed in Regulatory Alert 2020-01 were received from the following organizations:

1. Dan Greene, El Cajon Nutrition Center, February 29, 2020

Letter 1 El Cajon Nutrition Center

From: Dan Greene <[REDACTED]>
Sent: Saturday, February 29, 2020 1:53 PM
To: WICRegulations
Subject: Re: Regulation Proposal: Amendments to Sections 50200, 70000, 70300, and 71400, and Adoption of Sections 70001, 70725, and 71050

Hello,

This is Dan Greene from El Cajon Nutrition Center, [REDACTED].

Is there a list of all certified EBT Capable Point of Sale Systems available on the Department's website yet as mentioned in Regulatory Alert 2020-01?

If there is please let me know how to locate it.

Thank you,
Dan Greene

Response to Letter 1

The commenter is inquiring whether there is a list of all certified EBT Capable Point of Sale Systems available on the Department's website as mentioned in Regulatory Alert 2020-01, and how to locate it.

The Department made a list of [all certified EBT Capable Point of Sale Systems available](#) on its website on May 11, 2020. The document is located on the [WIC New Vendors webpage](#).