

## Division of Community Nutrition

<i>Subject: Solicitation of Gifts and Retail Stores</i>		<i>Policy: VEN 04.1</i>
<i>Reference: §C.F.R. 246.2</i>	<i>Effective: August 12, 2013</i>	<i>Supersedes: June 21, 2005</i>

### **I. Policy:**

The solicitation of gifts or benefits from either unauthorized and / or authorized WIC retailers is prohibited. The Federal Anti-Kickback Statute Title 42.1001.952 prohibits the knowing and willful solicitation or receipt, offer or payment of, overtly or covertly, of any remuneration (anything of value) in cash and / or in-kind in return for patient, product, or service referrals, or to induce such referrals.

### **II. Procedure(s):**

- A. Local agency personnel shall not solicit from either an unauthorized / authorized retailer and / or potential applicant the donation of gifts and / or benefits.
- B. Local agency personnel shall not encourage the solicitation of gifts and / or benefits for the purpose of distribution, transfer or gain by a participating WIC client, caregiver or parent.
- C. Solicitation of either unauthorized / authorized WIC Program retailers or retailer applicants, in conjunction with locally sponsored special projects, grants, outreach initiatives, community wide fundraising or public activities shall be approved in advance by the state Division Director or designee.
- D. Local agency requests shall be submitted in writing to the Division Director at least sixty (60) calendar days prior to the planned implementation date.
  - 1) The written solicitation request shall include the following elements: purpose / background, type of gift / benefits being sought, expected deadline response date from the Division Director, time line / duration of the solicitation request, identification of any technical assistance needed from the State WIC Office.
- E. The Division Director shall provide a written response within thirty (30) calendar days after receiving the solicitation request.