**Section 672.210 Authorization Criteria**

Only WIC Retail Vendors authorized by the Department shall be eligible to accept Food Benefits or otherwise provide supplemental foods to WIC Cardholders. Any applicant seeking authorization to become a WIC Retail Vendor has an obligation to meet, at a minimum, the following criteria before authorization. In addition, any authorized Vendor has a continuing obligation to meet all criteria specified in the WIC Vendor Contract and the criteria listed in this Section during the period of authorization:

a) The Vendor shall have, at minimum, one location authorized as a WIC Vendor located within the boundary lines of Illinois. Vendor locations outside of Illinois may only be authorized if participant access criteria in Section 672.200(d) are met, and the Vendor location is no more than 20 miles from the Illinois border.

b) The Vendor Site shall have a fixed and permanent location. This site shall be the address indicated on the WIC Vendor application and shall be the location where a WIC Cardholder selects WIC Foods during business hours.

1) This site shall not be at an address or within any building where Food Benefits are distributed to WIC Participants.

2) The price charged to the WIC Program for WIC Foods provided through Participant requested delivery shall not exceed those prices charged to cash paying customers nor the prices posted at the Vendor Site. The Vendor shall not charge the WIC Program for delivery of WIC Foods.

c) Each Vendor Site listed in the application shall have 70% or more gross receipts from the sale of non-alcoholic products and the percentage of sales revenue from food purchased with WIC Food Benefits shall not exceed 50% of total SNAP eligible food sales.

d) Authorization to participate in USDA SNAP is not a prerequisite for Authorization as a WIC Retail Vendor. If, however, an applicant or Vendor has been authorized to participate in USDA SNAP, the applicant or Vendor shall not have been denied, suspended, disqualified, terminated, or assessed a civil money penalty during the 2 years preceding application for authorization as a WIC Retail Vendor.

e) Neither the applicant, Vendor, nor any officers or officials shall have been involved in bribery as prohibited under Section 50-5 of the Illinois Procurement Code.

f) The applicant or approved Vendor shall be barred from receiving State contracts as a result of any default on any educational loans as that term is defined in the Educational Loan Default Act [5 ILCS 385].

g) Neither the applicant, Vendor, nor the applicant or Vendor's spouse or minor children shall hold an elective office in the State of Illinois, a seat in the General Assembly, appointment or employment in any of the offices of State government during the period of any WIC Vendor authorization as prohibited under Section 50-13 of the Illinois Procurement Code.

h) Neither the applicant, Vendor, its officers, directors, individual partners, nor their spouses or minor children who owns more than 7½% ownership or beneficial interest in the business entity seeking authorization to participate in the WIC Program shall be employed by the WIC Program of a local agency.

i) Neither the applicant, nor the Vendor shall have been convicted of a misdemeanor involving fraud, misuse or theft of State or federal funds or of any felony.

j) The applicant or Vendor shall be barred from bidding on or entering into a WIC Vendor Contract as a result of a violation of Sections 33E-3 or 33E-4 of the Criminal Code of 2012.

k) Neither the applicant, Vendor, nor any owner of 30% or more ownership shall have been terminated from the WIC Program in the previous 3 years.

l) The applicant or Vendor shall adhere to the provisions of the USDA WIC Regulations, the Act, this Part, and, once authorized, the WIC Vendor Contract.

m) The vendor applicant's shelf prices may not exceed current Not-to-Exceed (NTE) prices based on peer group assignment in accordance with 7 CFR 246 12(g)(4).

n) The Vendor shall maintain minimum quantities, sizes, and types of WIC Foods necessary at a Vendor Site as specified in the WIC Vendor Contract based on peer group assignment. A copy of this list will be provided to each applicant and authorized Vendor.

(Source: Amended at 48 Ill. Reg. 2491, effective January 30, 2024)