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Resolve, To Provide Organic Infant Formula through the Maine Women, Infants and Children Program

Sec. 1 Maine Women, Infants and Children Program rulemaking. Resolved: That, by January 1, 2014, the Department of Health and Human Services shall amend the rules for the Maine Women, Infants and Children Program in the department's Rule Chapter 286, Section I, paragraph A, subsection 12 on contract brand infant formula and Section II, paragraph N, subsection 2 on formula-fed infants to make organic infant formula available to participants. In reviewing options for amending the infant formula rules, the department shall consider whether to maintain the practice of contracting with one manufacturer of infant formula or whether to provide participants a choice of an organic infant formula or an infant formula that is not organic. The rules adopted by the department must provide participants access to organic formula from a manufacturer, as the sole type of formula or as an optional type of formula, if the organic formula meets all applicable requirements of federal regulation and state rule and may be purchased at a cost per volume that is equal to or lower than the cost of the infant formula that is not organic. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

SUMMARY

This resolve requires the Department of Health and Human Services to amend its rules for the Maine Women, Infants and Children Program on contracting with the manufacturer of infant formula to make organic infant formula available to participants. It requires the Maine Women, Infants and Children Program to offer organic infant formula, as the sole product or as a choice, if the organic formula meets federal and state program requirements and is available for a cost that is equal to or less than infant formula that is not organic. It specifies that the rules are to be routine technical rules.