



NEW YORK STATE SENATOR

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Senators Klein, Espaillat & Assemblyman Crespo: Moms on WIC can't access special baby formula

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New report finds 'formula deserts' due to onerous DOH policy change; Legislators propose fix to help WIC participants gain access to formula

New York, NY — State Senators Jeff Klein (D-Bronx/Westchester), Adriano Espaillat (D-Manhattan) and Assemblyman Marcos Crespo (D-Bronx), joined by advocates and mothers, released a shocking report today, *"Restoring Lost Access: Giving WIC Participants Choices."*

The State Department of Health implemented a restrictive policy change in 2014, allowing WIC recipients to only use checks to buy prescription formula in stores that have pharmacies. This 2014 policy wound up creating formula deserts across the city, severely cutting off access to mothers on WIC in multiple zip codes across the city.

“The DOH policy change has been a formula for disaster. WIC participants who must buy prescription formula for infants shouldn’t have to travel all over the city to find a store with a pharmacy when a supermarket or small grocer that accepts WIC checks might also shelve this vital product. I will work to make sure that we reverse this policy so our families have access to the nutritional products they need,” **said Senator Klein.**

“Due to DOH's policy change, there are some zip codes in my district where no stores are eligible to sell specialty formula. That is simply unacceptable. WIC recipients must have access to the products they need to maintain their children's health and well-being. Allowing neighborhood grocery stores to sell specialty formula, and ensuring those stores are not burdened with fees associated to reimbursement rejections, will restore much needed access to WIC,” **said Senator Espallat.**

“There are times when government policies clearly do more harm than good. The bureaucratic changes to the WIC program have created obstacles for families to obtain the proper nutrition for their children and household. The report released today clearly shows the harm done when the New York State Department of Health changed the rules impacting how and where families relying on WIC could access their benefits. The legislation announced today will remedy this situation and allow WIC recipients with unhindered access,” **said Assemblyman Marcos Crespo, Chair of the Assembly Puerto Rican/Hispanic Task Force.**

“For many, buying baby formula is not an option. To me, it is inconceivable that a parent or a guardian under the WIC program will have to shop at a pharmacy, or businesses with pharmacies, to get food for his or her infant. Increasing the number of covered vendors provides a greater opportunity for participants in the program to access one-stop shopping to buy all of the basic nutritional needs that are essential for their families. This would prevent parents from having to travel unreasonable distances to find a particular pharmacy that accepts WIC in order to buy baby formula.” **said Senator Peralta (D-Queens).**

Before the DOH changed their policy 556 stores in the Bronx had accepted WIC participants' checks, but now only 39 can because of the pharmacy requirement. That's a 93.1% drop in stores. Of the 39 stores only seven carry a full produce section where WIC recipients can find other nutritional products for their families.

Across the city, the change created a major drop in selection for WIC recipients looking for prescription formula like Enfamil, Ensure or Similac.

Prior to the change Manhattan, Queens, Brooklyn and Staten Island collectively had 1,349 stores where WIC recipients could use checks to purchase prescription formula. These boroughs now collectively have 149 locations.

Certain zip codes have been hit harder than others. In The Bronx after the 2014 change, 16 zip codes had no stores where WIC recipients could fill their entire food package, including prescription formula.

In Brooklyn, one zip code had no stores where a WIC recipient could obtain prescription formula.

In Manhattan, four zip codes had no qualified stores that accept WIC checks with any access to this type of formula.

In Queens, one zip code was a complete prescription formula desert for WIC recipients.

On Staten Island, three zip codes have no access to prescription formula for WIC participants.

Senators Klein and Espaillat proposed legislation to allow all stores that participate in the WIC program to accept WIC checks for prescription formula. These stores, like supermarkets and smaller grocery shops, also carry other healthy food items included in WIC packages like fresh fruits, vegetables, dried and canned beans, baby food, whole wheat bread, infant cereal, milk and cheese.

Senator Espaillat and Assemblyman Crespo introduced legislation to help smaller stores deal with burdensome fees that they are sometimes hit with when there is a difference between what a WIC check is worth and what it is written for. This often happens when large stores buy products in bulk and sell them at far cheaper prices - small stores become unable to compete. The value of a WIC check might be set at a rate that does not cover the smaller store's sale price. This legislation would not hold

the vendor accountable for that difference, or the bank's bounced or returned check fee.

"WIC benefits are crucial for the families who need them. We are calling on the state to update its policies so that families can easily access the products they need at the stores where they shop, and so that small business owners are not held accountable for fees when WIC reimbursements are rejected. These changes will make using WIC easier for families and businesses, and help to ensure that NYC children have access to healthy and nutritious food," **said New York City Council Member Antonio Reynoso.**

"This report illuminates the problems created by the New York State Department of Health 2014 WIC rule changes for small businesses and struggling families from communities of color. We need comprehensive reform and the National Supermarket Association looks forward to working with our partners in government to see this legislation enacted into law. I'd like to thank Senator Klein, Senator Espaillat, Assembly Member Marcos Crespo and our other elected officials for their leadership and support on these important issues that impact their constituents each and every day," **said National Supermarket Association President Rudolfo Fuentres.**

"FIA appreciates the leadership of Senators Klein and Espaillat, as well as Assemblymen Crespo and Linares, in seeking necessary WIC reform. Current WIC rules unfairly penalize small business owners and participants by restricting access to special infant formulas. This legislation will allow WIC authorized retailers, in good standing, to resume what they did for years: Provide full access to WIC participants who need special infant formulas. We look forward to its approval," **said Jay Peltz, General Counsel and Vice President of Government Relations of the Food Industry Alliance of New York State, Inc.**

"In our communities, mothers struggle daily in the face of numerous challenges to provide for themselves and their young children. We establish programs like WIC to help ease these challenges and the many burdens families in our neighborhoods confront every day. With improvements, the WIC program can be greatly improved so that mothers have greater access to nutritious food and the formula so essential to the health of their families. We wholeheartedly support reforms that will help to elevate these families and we ask that legislators across the state support these efforts," **said Dr. Raymond Rufen-Blanchette, Founder and Executive Chairman of the Clergy Campaign for Social and Economic Justice.**

"For new moms like me, the WIC program provides vital support. But right now, many of us have to travel well outside of our neighborhood to access our benefits. Reforms to the program will improve access for mothers citywide, making a world of difference as we raise our families. I support these measures and I hope that lawmakers across the city and state will too," **said Bethania Guzman, WIC participant from the Lower East Side.**

"As a former WIC participant, I can speak about how important access to specialty formula was for me when I needed to feed my newborn. New mothers should not have to travel miles from home to use these benefits. Goods must be easily accessible at a supermarket and at bodegas right around the corner. On behalf of the other mothers fighting this reality right now, I fully support these reforms and urge other elected officials to do the same," **said Lakisha Morris, Coordinator of Agency Relations for Catholic Charities of the Archdiocese and former WIC participant.**