

# Administrative Regulations Notice

## February 2026

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The Department for Public Health has filed the following amended administrative regulations.

The Division of Public Health Protection and Safety has filed the following amended administrative regulation:

- **902 KAR 1:400.** Administrative conference. The amendment to this administrative regulation clarifies the notification requirements, updates the administrative conference procedures, ensures a conference decision is provided in a timely manner, and updates the material incorporated by reference.

The Division of Maternal and Child Health has filed the following amendments to the Women's, Infants and Children (WIC) administrative regulations:

- **902 KAR 18:011.** Definitions for 902 KAR Chapter 18. The amendment to this administrative regulation updates the defined terms for clarity.
- **902 KAR 18:021.** Eligibility, certification periods, and time frames for processing applicants. The amendment to this administrative regulation amends the nutritional risk criteria for consistency with federal regulation. The infant and child certification periods are increased from six (6) to twelve (12) month time frames for consistency with federal regulation and adds that a local agency may request a fifteen (15) day extension of the participant notification requirements.
- **902 KAR 18:031.** Participant violations. The amendment to this administrative regulation adds the posting of WIC foods, benefits, eWIC card, or a WIC issued breast pump for sale to the list of violations subject to a written warning; increases the sanction for exchanging or selling supplemental foods from a written warning for the first offense to a three (3) month suspension and increases the sanction for a second and all subsequent offenses from a three (3) month suspension to a one (1) year disqualification and a claim for recoupment; and increases the minimum amount for a claim from \$100 to \$200.
- **902 KAR 18:040.** Fair hearing procedures for participants. The amendment to this administrative regulation updates the procedures for requesting a hearing including when the complaint is alleging a civil rights violation. The amendment also specifies that neither the state nor local WIC agency can deny a request for a hearing.

- **902 KAR 18:050.** Vendor authorization criteria. The amendment to this administrative regulation updates the vendor participation requirements, revises the price display criteria, clarifies which requirements are not applicable to a participating pharmacy, and adds outstanding monetary claims to the list of reasons a vendor application may not be approved. The vendor manuals previously incorporated by reference are being removed as these materials are outdated and no longer used by the WIC program.
- **902 KAR 18:061.** Vendor violations and sanctions. The amendment to this administrative regulation updates the device title to current language, adds a fifteen (15) day timeline for follow-up when a vendor fails to repay a claim, and adds a 180-inventory audit to the list of sanctions when sales exceed listed inventory.
- **902 KAR 18:071.** Participant access determination and civil money penalty. The amendment to this administrative regulation updates the procedures for calculating participant access.
- **902 KAR 18:081.** Local agency fair hearing and vendor administrative review process. The amendment to this administrative regulation updates the procedure for requesting an administrative hearing.
- **902 KAR 18:090.** High risk criteria. The amendment to this administrative regulation revises the point system for classifying a vendor as high-risk, increases the allowable redemption dollar amount from \$2,000 to \$10,000 in a federal fiscal year, and makes other changes necessary for KRS Chapter 13A compliance.

The full text of the filed amended administrative regulations is available on the Legislative Research Commission website at [Title 902 • Kentucky Administrative Regulations • Legislative Research Commission](#).

#### PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written

comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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