



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 132

H.P. 107

House of Representatives, January 29, 2013

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HAMANN of South Portland.
Cosponsored by Representatives: CASSIDY of Lubec, DORNEY of Norridgewock,
FARNSWORTH of Portland, GIDEON of Freeport, MORRISON of South Portland,
PETERSON of Rumford, STUCKEY of Portland, Senator: LACHOWICZ of Kennebec.

1 **Sec. 1. Maine Women, Infants and Children Program rulemaking.**

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

16 **SUMMARY**

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