

(I). PROVIDES HEALTH SERVICES EITHER DIRECTLY OR THROUGH CONTRACT; AND

(II) BY WRITTEN AGREEMENT WITH THE STATE AGENCY, PROVIDES PROGRAM SERVICES IN A DESIGNATED AREA.

(4) "PARTICIPANT" MEANS AN INDIVIDUAL WHO IS RECEIVING SUPPLEMENTAL FOODS OR FOOD INSTRUMENTS UNDER THE PROGRAM AND INCLUDES:

(I) PREGNANT WOMEN;

(II) BREAST-FEEDING WOMEN UP TO 1 YEAR POSTPARTUM WHO ARE BREAST-FEEDING THEIR INFANTS AND SUPPLEMENTING WITH NO MORE THAN 16 OUNCES OF FORMULA;

(III) POSTPARTUM WOMEN UP TO 6 MONTHS AFTER TERMINATION OF PREGNANCY;

(IV) INFANTS UNDER 1 YEAR OF AGE; AND

(V) CHILDREN WHO ARE AT LEAST 1 YEAR OLD BUT UNDER THE AGE OF -6- 5 YEARS.

(5) "PROGRAM" MEANS THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN AUTHORIZED BY SECTION 17 OF THE CHILD NUTRITION ACT OF 1966, AS AMENDED.

(6) "SUPPLEMENTAL FOODS" MEANS THOSE FOODS CONTAINING NUTRIENTS DETERMINED TO BE BENEFICIAL FOR PREGNANT, BREAST-FEEDING, AND POSTPARTUM WOMEN, INFANTS, AND CHILDREN, AS PRESCRIBED BY THE SECRETARY OF THE U. S. DEPARTMENT OF AGRICULTURE.

(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, EACH PARTICIPANT IN THE PROGRAM SHALL REPORT EVERY 2 MONTHS A LOCAL AGENCY SHALL INCLUDE IN ITS PROPOSED WRITTEN AGREEMENT THE OPTION TO REQUIRE A PARTICIPANT IN THE PROGRAM TO REPORT MONTHLY, BIMONTHLY, OR TRIMONTHLY TO A DESIGNATED SITE AT DESIGNATED TIMES TO RECEIVE FOOD INSTRUMENTS PREPARED FOR THAT PARTICIPANT AND TO ACKNOWLEDGE RECEIPT OF THE INSTRUMENTS.

(2) FOOD INSTRUMENTS MAY BE MAILED OR OTHERWISE DELIVERED TO PARTICIPANTS BY A LOCAL AGENCY ONLY IF APPROVED BY THE DEPARTMENT ON THE BASIS OF HARDSHIPS WHICH MAY BE ENCOUNTERED BY THE TARGET POPULATION OF THE LOCAL AGENCY, SUCH AS SEASONALLY INCLEMENT WEATHER.

(3) UPON PRESENTATION BY THE PARTICIPANT OF A WRITTEN REQUEST, INCLUDING JUSTIFICATION, A LOCAL AGENCY MAY MAIL OR OTHERWISE DELIVER FOOD INSTRUMENTS TO AN INDIVIDUAL ON THE BASIS OF THE DIFFICULTY OF THE PARTICIPANT AND THE PARTICIPANT'S PROXIES IN OBTAINING THE FOOD INSTRUMENTS. THE JUSTIFICATION MAY INCLUDE: