



Food and  
Nutrition  
Service

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**DATE:** June 23, 2023

**SUBJECT:** WIC Policy Memorandum #2023-7: WIC Civil Monetary Penalty Inflation Adjustments for 2023

**TO:** Regional Directors  
Supplemental Nutrition Divisions

WIC State Agency Directors  
All WIC State Agencies

This policy memorandum transmits the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Civil Monetary Penalty (CMP) Inflation Adjustments for 2023. The adjustment was published in the Federal Register as part of the Civil Monetary Penalty Inflation Adjustments for 2023 Final Rule published on May 10, 2023, at 88 FR 30029.

As required by the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, this rule updates the maximum size of CMPs for certain violations in WIC to reflect inflationary adjustments for 2023. For each violation subject to a mandatory sanction, the CMP shall not exceed the maximum amount specified in [7 CFR 3.91\(b\)\(3\)](#). Further information on calculating CMPs and using these maximums can be found in federal WIC regulations at [7 CFR 246.12\(l\)\(1\)\(x\)](#).

WIC State agencies must adhere to the new maximum CMP amounts and must update their policies and procedures in order to implement the updated maximum CMP amounts as soon as possible. Any WIC State agency with questions regarding this change should contact its respective [FNS Regional Office](#).

**SARA  
OLSON**

Digitally signed by  
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Date: 2023.06.20  
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Sara Olson  
Director  
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Supplemental Nutrition and Safety Programs

WPM #2023-7: WIC Civil Monetary Penalty Inflation Adjustments for 2023

**Attachment 1: CMP 2022 vs. 2023 Comparison Chart**

Citation	Violation	2022 Max per Violation	2023 Max per Violation
<a href="#">§3.91(b)(3)(iv)</a>	Civil penalty for any entity that submits a bid to supply infant formula to carry out the Special Supplemental Nutrition Program for Women, Infants and Children and discloses the amount of the bid, rebate, or discount practices in advance of the bid opening or for any entity that makes a statement prior to the opening of bids for the purpose of influencing a bid, codified at 42 U.S.C.1786(h)(8)(H)(i)	\$195,054,878	\$210,161,878
<a href="#">§3.91(b)(3)(v)</a>	Civil penalty for a vendor convicted of trafficking in food instruments, codified at 42 U.S.C. 1786(o)(1)(A) and 42U.S.C. 1786(o)(4)(B)	\$16,865 for each violation, maximum penalty for violations occurring during a single investigation is \$67,461.	\$18,171 for each violation, except that the maximum penalty for violations occurring during a single investigation is \$72,686.
<a href="#">§3.91(b)(3)(vi)</a>	Civil penalty for a vendor convicted of selling firearms, ammunition, explosive, or controlled substances in exchange for food instruments, codified at 42 U.S.C.1786(o)(1)(B) and 42 U.S.C.1786(o)(4)(B)	\$16,451 for each violation, maximum penalty for violations occurring during a single investigation is \$67,461.	\$17,725 for each violation, except that the maximum penalty for violations occurring during a single investigation is \$72,686.

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