



# WIC Flash

News from the Arkansas WIC Program  
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## **Civil Monetary Penalty Inflation Adjustment for 2018**

This WIC Flash is an update on the Departmental Final Rule, Civil Monetary Penalty Inflation Adjustment for 2018, effective March 14, 2018.

### **Background/History**

In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, this final rule adjusts civil monetary penalties imposed by agencies within USDA to incorporate an inflation adjustment. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 amended the Federal Civil Penalties Inflation Adjustment Act of 1990, to improve the effectiveness of CMPs and to maintain their deterrent effect. The 2015 Act requires agencies to adjust for inflation annually. Previously, the 1990 Inflation Adjustment Act required agencies to adjust CMP levels every 4 years.

The following are excerpts of Final Rule Civil Monetary Penalty Inflation Adjustment for 2018, effective March 14, 2018 and WIC Consolidated Federal Regulations at 7 CFR 246:

### **Vendor CMPs**

#### **CMP Inflation Adjustment Rule:**

*§3.91(b)(3)(v) Civil penalty for a vendor convicted of trafficking in food instruments, codified at 42 U.S.C. 1786(o)(1)(A) and 42 U.S.C. 1786(o)(4)(B), has a maximum of \$15,041 for each violation, except that the maximum penalty for violations occurring during a single investigation is \$60,161.*

*§3.91(b)(3)(vi) 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), has a maximum of \$15,041 for each violation, except that the maximum penalty for violations occurring during a single investigation is \$60,161.*

*WIC regulations at 246.12(l)(1)(x)(C) remain the same as they refer to the method of calculating the CMP based on the amounts announced in §3.91.*

The new Vendor Agreement for September 1, 2018 – August 31, 2021 will reflect the new Civil Money Penalty Adjustment as listed above.