

### **H.R. 7791, the Access to Baby Formula Act**

Instant formula is essential to a baby's early life and development. Unfortunately, the nation is experiencing a formula shortage crisis. Families in Connecticut and across the country are struggling to feed their infants and children, and families lack clarity as to when this shortage will end. Twenty-six states have out-of-stock rates of 40-50 percent for infant formula, while some states have out-of-stock rate of 50 percent or higher.

The crisis has taken an especially dangerous toll on women and children from underserved communities who use WIC benefits to access formula.

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) helps ensure the health and well-being of low-income women, infants, and children up to age of five who are at an increased nutritional risk. WIC participation has been associated with improved infant health outcomes – including reduced infant mortality – and reduced disparities in hospitalizations rates among Black and Latino infants.

About half of infant formula sold nationwide is purchased with WIC benefits, which restricts the types of formulas that recipients can buy. Moreover, Abbott Nutrition's formula products serve 89 percent of all infants participating in WIC, according to the U.S. Department of Agriculture's (USDA) Food and Nutrition Service.

The Access to Baby Formula Act was signed into law in May 2022. The legislation ensures flexibility so families can feed their newborn babies during this crisis by granting the USDA the authority to waive certain requirements so that vulnerable families can continue purchasing safe infant formula with their WIC benefits during extenuating circumstances, such as public health emergency or supply chain disruption. Additionally, the Access to Baby Formula Act better protects WIC participants during future recalls.

Highlights of the [Access to Baby Formula Act](#) include:

- The establishment of waiver authority to address emergencies, disasters and supply chain disruptions by ensuring states that contract with these companies for the WIC program can secure supplies from additional manufacturers.
- The waiver of requirements that can slow down the process to get formula back on the shelves, without sacrificing safety standards.
- The coordination and information sharing between the Secretary of Agriculture and Secretary of Health and Human Services regarding any supply chain disruption, including supplemental food recalls.