IOWA FARMERS MARKET NUTRITION PROGRAM AND WIC CASH VALUE VOUCHER VENDOR CERTIFICATION HANDBOOK 2011

Iowa Department of Agriculture & Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Telephone: (515) 242-6239
Fax: (515) 242-5015
E-mail: paul.ovrom@iowaagriculture.gov
www.iowaagriculture.gov

Table of Contents

Introduction	1
Program Participants	1
Administrative Rules Chapter 50	2-11
Authority and scope	2
Severability	2
Definitions	2-4
Program description and goals	4
Administration and agreements	5
Distribution of benefits	5
Recipient responsibilities	5
Farmers' market, farmstand and community supported agriculture (CSA) authorization and priority	6-7
Vendor certification	7
Certified vendor obligations	8-9
Certified vendor noncompliance sanctions	9-10
Appeal	10
Deadlines	11
Discrimination complaints	11
Eligible and Ineligible Foods	12
Farmers Market Stall/Farmstand	12
Sample Certified Vendor Identification Sign	13
Sample and Explanation of FMNP/SFMNP Checks	13
Stall Separation Guide	14
Overview of the Iowa WIC Program	15
WIC Cash Value Voucher (CVV) Participant Responsibilities	15
WIC Cash Value Voucher (CVV) Vendor Responsibilities	16
WIC Cash Value Voucher (CVV) Eligible and Ineligible Foods	17
WIC Cash Value Voucher (CVV) Sanctions	17
Accepting WIC Cash Value Vouchers (CVV)	18
Contact Information	19

Iowa Farmers Market Nutrition Program

The WIC Farmers Market Nutrition Program (FMNP) is a Congressionally-authorized program designed both to provide resources in the form of fresh, nutritious, unprepared foods (fruits and vegetables) from farmers markets to women, infants, and children who are "nutritionally at risk" and to expand the awareness, use of and sales at farmers markets. This program is jointly funded by the State of Iowa and the United States Department of Agriculture—Food and Nutrition Service (USDA—FNS). It is administered by the Iowa Department of Agriculture and Land Stewardship (IDALS) in cooperation with the Iowa Department of Public Health and the local WIC agencies that serve the recipients.

The Senior Farmers Market Nutrition Program (SFMNP) is a Congressionally-authorized program designed to provide coupons to low-income seniors that they may exchange for eligible foods at farmers markets, roadside stands, and community supported agriculture programs. Eligible foods are fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs. The Senior FMNP is also jointly funded by the State of Iowa and the USDA, Commodity Credit Corporation (CCC). It is administered by the Iowa Department of Agriculture and Land Stewardship (IDALS) in cooperation with the Iowa Department of Elder Affairs and the Area Agencies on Aging.

IDALS distributes checks to FMNP/SFMNP recipients to be used *only* at authorized locations and *only* for eligible foods from certified vendors.

Program Participants

FMNP checks are distributed to participants in the Special Supplemental Food Program for Women, Infants and Children (WIC). WIC is available to pregnant, postpartum, and breastfeeding women, infants and children up to the age of five whose health is threatened by both nutritional need and low income. SFMNP checks are distributed to low-income individuals who are 60 years of age or older. The FMNP/SFMNP will attempt to serve as many recipients each year as available funding will permit.

FMNP checks are distributed to eligible WIC recipients when they pick up their WIC checks at the local agency clinics. Seniors will receive the checks at the local Congregate Meal site or other locations designated by the Area Agencies on Aging. Each recipient receives a specified number of FMNP/SFMNP checks during a one-time distribution period. The total seasonal value of FMNP/SFMNP checks distributed to a single recipient is determined by the Iowa Department of Agriculture and is contingent upon available funding.

WIC and Senior FMNP/SFMNP recipients will sign a check register when receiving the FMNP/SFMNP checks. The signature line of the check must be signed in the presence of the certified vendor at the time of the sales transaction. Eligible recipients are permitted to have proxies sign for the checks and redeem them at authorized farmers markets or farmstands.

When recipients receive their checks, they receive nutrition education about fresh produce available at authorized Farmers Market Nutrition Program locations. Recipients are instructed to look for the vendor stall sign (page 13) that says, “Farmers Market Nutrition Program Checks and WIC Cash Value Vouchers Welcome Here” as an indication that the vendor is certified to accept FMNP/SFMNP checks (page 13). The recipients are instructed on how to use the checks to purchase produce from the certified vendors.

The Iowa Farmers Market Nutrition Program rules are outlined in the Iowa Department of Agriculture Administrative Rules Chapter 50.

CHAPTER 50
WOMEN, INFANTS, AND CHILDREN
FARMERS MARKET NUTRITION PROGRAM AND
SENIOR FARMERS MARKET NUTRITION PROGRAM

21—50.1(159) Authority and scope.

This chapter establishes procedures to govern the administration of a farmers market special supplemental food program by the department of agriculture and land stewardship for implementing the applicable agreement and guidelines set forth by the United States Department of Agriculture, Food and Nutrition Service Agreement, in accordance with 1990 Iowa Acts, chapter 1260, section 1, subsection 3. Information may be obtained by contacting the Horticulture and Farmers Market Bureau, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa, 50319, telephone (515)281-5321.

21—50.2(159) Severability.

If any provision of a rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule which can be given effect without the invalid provision or application, and, to this end, the provisions of these rules are severable.

21—50.3(159) Definitions.

For the purposes of this chapter:

"Application" means a request made by an individual to the department for vendor certification in the FMNP/SFMNP on a form provided by the horticulture and Farmers Market bureau of the department.

"Authorized CSA" means a community supported agriculture program that is authorized by the department for the exchange of SFMNP funds for eligible foods.

"Authorized farmers market" means a farmers market site authorized by the department for the exchange of vouchers for eligible foods.

"Authorized farmstand" means a farmstand site authorized by the department for the exchange of vouchers for eligible foods.

"Certified vendor" means an individual who has met all FMNP/SFMNP conditions as outlined by the department and who is guaranteed payment on all vouchers accepted, provided compliance is maintained by that individual regarding all FMNP/SFMNP rules and procedures as outlined in the vendor certification handbook. Individuals who exclusively sell produce grown by someone else, such as wholesale distributors, cannot be certified to participate in the FMNP/SFMNP, except individuals employed by a farmer otherwise qualified under these rules.

"Certified vendor identification sign" means department-issued signage which shall be clearly displayed by the certified vendor at all times the vendor accepts or intends to accept vouchers in an authorized farmers market/farmstand. Signs shall remain the sole property of the department with forfeiture by the certified vendor to the department in the event of disqualification or suspension.

"Certified vendor number" means a unique identification number issued for a designated period by the department and assigned to an individual whom the department has identified as a certified vendor. The certified vendor number shall be affixed to the certified vendor identification sign, and the certified vendor shall stamp the number on each voucher that is submitted for deposit. An individual shall be assigned no more than one certification number for any designated period.

"Certified vendor stall" means all of the area in an authorized farmers market that is dedicated to a certified vendor for the purpose of displaying and offering product for sale. Certified vendors are permitted only one certified vendor stall per market. The only exceptions shall be:

1. If the certified vendor elects not to promote any of the area as FMNP/SFMNP for an entire farmers market day; or
2. If the certified vendor elects to exclude a portion of the space by maintaining a distance of separation from the certified vendor stall by a minimum of two farmers market vendors who are neither affiliated with nor related to the certified vendor and who are actively participating in the farmers market on the given day. An excluded area shall be operated independently of the certified vendor stall. These exceptions shall hold only when the vendor neither accepts nor intends to accept vouchers.

"Certified vendor stamp" means a department-issued stamp of the certified vendor number.

"Community supported agriculture" means a program under which a farmer or group of farmers grows food for a group of shareholders (or subscribers) who pledge to buy a portion of the farmer's crop(s) for that season.

"Days" means calendar days.

"Department" means the Iowa department of agriculture and land stewardship.

"Designated distribution site" means a site authorized by the department for distribution of vouchers by the local agency.

"Distribution" means the process outlined by the department and the means by which local agencies actually dispense vouchers to eligible recipients.

"Eligible foods" means fresh, nutritious, unprepared, locally grown fruits, vegetables and herbs for human consumption. Eligible foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. **Locally produced, unpasteurized, pure honey is an eligible food only for recipients of SFMNP benefits.**

"Farmers market" means a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for a group of farmers to sell locally grown fresh produce directly to consumers, and where the majority of products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.

"Farmstand" means a consistent site throughout the season, in which a single individual farmer sells the farmer's produce directly to consumers.

"FMNP" means the women, infants, and children farmers market nutrition program.

"Fresh produce" means fruits and vegetables that have not been processed in any manner. This term does not include such items as dried fruits and vegetables, potted or dried herbs, wild rice, nuts of any kind including raw nuts, popcorn, fruit or vegetable plants/seedlings, dried beans/peas, seeds/grains, flowers, maple syrup, cider, eggs, meat, cheese, and seafood.

"Local agency" means a nonprofit entity that certifies eligible recipients, issues FMNP/SFMNP vouchers, arranges for the distribution of eligible foods through CSA programs, or provides nutritional education or information on operational aspects of the FMNP/SFMNP to recipients and which has entered into a contract with the department.

"Locally grown" means produce that has a traceable point of origin either within Iowa or in a neighboring state in a county adjacent to Iowa's border.

"Posted hours and days" means the operational time frames stated in assurances submitted by a representative, who has the legal authority to obligate the farmers market/farmstand, which include a beginning and an ending time and date for each year of operation.

"Proxy" means an individual authorized by an eligible recipient to act on the recipient's behalf, including application for, receipt of, or use of vouchers or acceptance of SFMNP foods provided through a CSA program as long as the benefits are ultimately received by the recipient. Minors shall not be used as proxies. A proxy may act on behalf of more than one eligible recipient only if the proxy is directly related to the additional eligible recipients.

"Recipient" means a person chosen by the Iowa department of agriculture and land stewardship to receive FMNP/SFMNP benefits.

1. To receive FMNP benefits, such person must be a woman, infant over four months of age, or child who receives benefits under the WIC program or is on the waiting list to receive benefits under the WIC program.
2. To receive SFMNP benefits, such person must meet the senior eligibility criteria of the SFMNP in Part 249.6 of Subpart C of Title 7 Code of Federal Regulations as of May 26, 2005.

"Season" means a clearly delineated period of time during a given year that has a beginning date and ending date, as specified by the department, which correlates with a major portion of the harvest period for locally grown fresh produce.

"Secretary" means the secretary of agriculture for the state of Iowa.

"Service area" means the geographic area that encompasses all of the designated distribution sites and authorized farmers markets, farmstands, and CSAs within Iowa for a designated period.

"SFMNP" means the senior farmers market nutrition program.

"Shareholder" means an SFMNP recipient for whom a full or partial share in a community supported agriculture program has been purchased by the department, and who receives SFMNP benefits in the form of actual eligible foods rather than vouchers that must be exchanged for eligible foods at farmers markets or farmstands.

"USDA-FNS" means the United States Department of Agriculture-Food and Nutrition Service.

"Vendor certification handbook" means a publication by the department that is based on USDA-FNS regulations and guidelines, addresses all FMNP/SFMNP rules and procedures applicable to a certified vendor, and provides the basis for vendor training. A copy of the publication shall be issued to each individual after certification training. New editions supersede all previous editions.

"Voucher" means a negotiable instrument issued by the department to recipients that is redeemable only for eligible foods from certified vendors at authorized farmers markets/farmstands with a limited negotiable period that directly correlates to the season designated by the department.

"WIC" means the Special Supplemental Food Program for Women, Infants and Children, as administered by the Iowa department of public health.

21—50.4(159) Program description and goals.

The women, infants, and children/farmers market nutrition program (FMNP) and the senior farmers market nutrition program (SFMNP) are jointly funded by the state of Iowa and the United States Department of Agriculture.

50.4(1) The dual purposes of the FMNP are:

a. To provide resources in the form of fresh, nutritious, unprepared foods (fruits and vegetables) from farmers markets to women, infants, and children who are nutritionally at risk and who are participating in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) or are on the waiting list for the WIC program, and

b. To expand the awareness of, use of and sales at farmers markets.

50.4(2) The purposes of the SFMNP are:

a. To provide resources in the form of fresh, nutritious, unprepared locally grown fruits, vegetables and herbs from farmers markets, roadside stands, and community supported agriculture (CSA) programs to low-income seniors;

b. To increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers markets, roadside stands, and CSAs; and

c. To develop or aid in the development of new and additional farmers markets, roadside stands, and CSAs.

21—50.5(159) Administration and agreements.

50.5(1) The program shall be administered by the secretary or by the secretary's designee.
50.5(2) The department shall maintain all conditions as outlined in the farmers market nutrition program/senior farmers market nutrition program state plan submitted to USDA-FNS.

21—50.6(159) Distribution of benefits.

50.6(1) Iowa department of public health WIC client screening processes and records shall provide the basis for identifying recipients eligible for receipt of FMNP vouchers. The department may contract with local agencies to certify eligible recipients and distribute SFMNP vouchers. Senior recipient eligibility criteria shall conform to Part 249.6 of Subpart C of Title 7 Code of Federal Regulations as of May 26, 2005.
50.6(2) Local agencies shall distribute vouchers at designated distribution sites to recipients in the manner specified by the department in the procedures guide for distribution site staff. Local agency services shall include, but not be limited to, ensuring that:
a. Each recipient is issued vouchers during each distribution as authorized by the department.
b. The voucher serial numbers issued to the recipient correspond to the numbers in the distribution registry.
c. A proxy is allowed to act on behalf of a recipient.
d. Each recipient is provided a thorough explanation of program guidelines and recipient responsibility as outlined by the department.
e. All FMNP/SFMNP support materials are put into use as outlined by the department.
f. Accurate and complete records of all related FMNP/SFMNP activities in the possession of a local agency are maintained and retained for a minimum of three years following the date of submission of the final expenditure report for the period to which the report pertains. In the event of litigation or audit findings, the records shall be retained until all issues arising from such actions have been resolved or until the end of the prescribed retention period, whichever is later.
g. All agency records pertaining to this program are made available for inspection to representatives of USDA, the Comptroller General of the United States, the state auditor, the department, and other agencies working under contract with the department as necessary, at any time during normal business hours, and as frequently as is deemed necessary for inspection and audit. Otherwise, confidentiality of personal information on all recipients participating in the program shall be maintained at all times.

21—50.7(159) Recipient responsibilities.

Recipients shall be responsible for, but not limited to, all of the following:
1. Qualifying under FMNP/SFMNP guidelines and attending a designated distribution site when vouchers are distributed.
2. Properly signing a voucher(s) at time of use in the presence of the certified vendor who accepts a voucher in exchange for eligible foods.
3. Using vouchers only to purchase eligible foods from certified vendors who display certified vendor identification signs at authorized farmers markets/farmstands.
4. Redeeming vouchers on or before the expiration date printed on the face of the voucher, or surrendering all claim to the value of vouchers that remain unredeemed.
5. Ensuring vouchers received are not assigned to any other party other than to a proxy.
6. Reporting violations or problems to the department or the local agency.
7. Reporting all incidents of lost or stolen vouchers to the local agency.

21—50.8(159) Farmers market, farmstand, and community supported agriculture (CSA) authorization and priority.

50.8(1) A farmers market/farmstand/CSA shall be eligible for authorization based in part upon the submission of assurances by a representative who has the legal authority to obligate the farmers market/farmstand/CSA. Farmers market/farmstand/CSA assurances shall be submitted in a manner outlined by the department and shall provide evidence of willingness by a person(s) associated with the farmers market/farmstand/CSA to implement all FMNP/SFMNP requirements.

50.8(2) Assurances submitted by a farmers market/farmstand shall include, but not be limited to, all of the following:

a. The name(s) of certified vendor participant(s).

b. Posted hours and days of operation to be maintained each week, specifically detailed to cover any anticipated fluctuations in operations over the course of the season. A farmers market/farmstand must be actively operating a minimum of two consecutive hours each week.

c. Season of operation which ensures the farmers market/farmstand is actively operating on the same day, on a weekly basis, for a majority of the weeks of the season.

d. Accessibility and consistency of farmers market/farmstand site over the course of the season.

e. Local rules that do not overly restrict the number of certified vendors who may participate in the farmers market or operate a farmstand.

f. Department is notified if the farmers market/farmstand changes the posted hours and days of operation prior to the end of the authorization period.

50.8(3) A CSA program shall:

a. Provide such information as the department may require for its periodic reports to USDA-FNS.

b. Ensure that SFMNP recipients receive only eligible foods.

c. Provide eligible foods to SFMNP shareholders at or less than the price charged to other customers.

d. Ensure that the shareholders receive eligible foods that are of equitable value and quantity to their share.

e. Ensure that all funds from the department are used for planting of crops for SFMNP shareholders.

f. Provide to the department access to a tracking system that determines the value of the eligible foods provided and the remaining value owed to each SFMNP shareholder.

g. Ensure that SFMNP shareholders/authorized representatives provide written acknowledgment of receipt of eligible foods.

h. Accept training on SFMNP procedures and provide training to farmers and any employees with SFMNP responsibilities for such procedures.

i. Agree to be monitored for compliance with SFMNP requirements, including both overt and covert monitoring.

j. Be accountable for actions of farmers or employees in the provision of eligible foods and related activities.

k. Offer SFMNP shareholders the same courtesies as other customers.

l. Notify the department immediately when the CSA program is experiencing a problem with its crops and may be unable to provide SFMNP shareholders with the complete amount of eligible foods agreed upon between the CSA and the department.

m. Comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Department of Agriculture regulations on nondiscrimination contained in Parts 15, 15a and 15b and FNS instructions as outlined in Part 249.7 of Title 7 Code of Federal Regulations, as of May 26, 2005.

n. Notify the department if any CSA program ceases operation prior to the end of the authorization period.

50.8(4) The department shall give priority to a farmers market/farmstand/CSA with previous involvement in FMNP/SFMNP provided the farmers market/farmstand/CSA does not have a high incidence of certified vendor noncompliance, suspensions, or disqualifications.

50.8(5) A principal factor in determining farmers market authorization shall pertain to the number of eligible applications received by the department prior to April 15 that indicate the intent to participate in the given farmers market. A standard of three eligible certified vendor applications, indicating intent to participate in the farmers market for the majority of weeks of the season, is required for a farmers market to receive authorization.

50.8(6) The number of farmers markets/farmstands/CSAs authorized for publication in the directory shall be determined by the department no later than May 1 prior to each season. Additional farmers markets/farmstands/CSAs may be authorized no later than June 30.

50.8(7) An authorized farmers market must ensure that at least one certified vendor remains at the authorized farmers market during the posted days and hours of market operation. Failure to comply will result in a warning citation from the department. Repeated noncompliance could result in the revocation of the farmers market authorization.

50.8(8) A farmstand authorized to participate in the FMNP/SFMNP shall be operated from a permanent building that is primarily used for the sale of eligible foods, is not moveable and remains in the same location year-round. The building shall have at least a roof, sidewalls, and solid floor to protect produce and people. Wood post frame, stud frame, rigid-frame metal, and concrete block construction are suitable farmstand construction. The building must be maintained in a manner consistent with standards generally accepted for this type of business. Up to two moveable farmstands that do not meet the requirements of permanent farmstands may be authorized in cities and villages that are not located within ten miles of an authorized farmers market. If three or more applications for moveable farmstands within the same city or village are received by the department, the applicants shall be required to meet the authorization requirements of a farmers market. An authorized farmstand must be staffed during all hours of operation. Failure to comply will result in a warning citation from the department. Repeated noncompliance could result in the revocation of the farmstand authorization.

21—50.9(159) Vendor certification.

50.9(1) Vendor certification shall not be in effect and vouchers shall not be accepted until the applicant receives a certified vendor identification sign, a certified vendor stamp, a copy of the vendor application form, and the applicant copy of the department-vendor agreement signed by both parties.

50.9(2) Vendor certification expires at the end of each year of issuance. Individuals must annually apply for and receive vendor certification in order to participate in FMNP/SFMNP.

50.9(3) The department does not limit the number of vendors who may become certified under FMNP/SFMNP. The department issues a single certified vendor number for each separate and distinct agricultural operation. A vendor certified to accept program vouchers may accept vouchers at any authorized market in the state upon approval by the department to participate in that particular market and acceptance by the particular market. A vendor who satisfies all the following criteria shall be certified to accept vouchers.

a. Indicates intent to participate in one or more authorized farmers markets/farmstands for a majority of weeks of the market season. A vendor who does not participate in the FMNP/SFMNP for the majority of weeks of the season may be certified to accept vouchers only at farmers markets that have been previously authorized. A certified vendor who does not participate in the FMNP/SFMNP for the majority of weeks of the season will not be considered in the standard of three eligible certified vendor applications required for a farmers market to receive authorization.

b. Participates in training on FMNP/SFMNP rules and procedures through attendance in an entire session of one of the six scheduled training meetings conducted by department staff.

c. Meets the eligibility requirements based on the information submitted in a completed application to the department prior to the deadline.

d. Is 18 years of age or older and submits a completed and signed certified vendor agreement to the department.

e. Resides and grows eligible foods within Iowa or in a neighboring state in a county adjacent to Iowa's border.

21—50.10(159) Certified vendor obligations.

A certified vendor shall be responsible for, but not limited to, all of the following:

1. Beginning each market day with at least 20 percent of all products for sale or display in a certified vendor stall as eligible foods, having personally grown a majority of the eligible foods for sale or display, and with all produce being locally grown. When eligible foods are purchased for resale from another producer or wholesaler, valid receipts must be presented to the department upon request and must contain the following information: the name, address and telephone number of the producer/ wholesaler; the date of purchase; location of the growing site; and quantity purchased, itemized by product type.
2. Accepting vouchers only for a transaction that takes place at the location, hours, and days of an authorized farmers market/farmstand, only in exchange for eligible foods, and signed by the recipient or proxy at the time of purchase.
3. Prominently displaying a certified vendor identification sign that is located on the customer traffic side of the stall only at the location, hours, and days of an authorized farmers market/farmstand. The certified vendor identification sign must be removed or covered when the eligible foods are sold out.
4. Providing eligible foods to recipients upon receipt of a valid and properly completed voucher which is signed at the time of sale. Vouchers that are properly presented must be accepted by certified vendors participating in the FMNP/SFMNP.
5. Accepting vouchers as payment for eligible foods only if presented on or before the usage expiration date printed on the face of the voucher.
6. Stamping each transacted voucher with the certified vendor number prior to voucher deposit and submitting vouchers for payment on or before 15 days following the expiration date printed on the face of the voucher.
7. Handling transactions with recipients in the same manner as transactions with all other customers, to ensure that FMNP/SFMNP clients are not exposed to discriminatory practices in any form.
8. Not collecting state or local taxes on purchases involving vouchers.
9. Providing eligible foods to recipients at the current price or less than the current price charged to other customers.
10. Not levying a surcharge based on the use of vouchers by recipients.
11. Not returning cash or issuing credit in any form to recipients during sales transactions that involve vouchers only. In the event of a single transaction in which a recipient presents a combination of cash and vouchers for the purchase of locally grown fresh produce, cash or credit up to the value of the cash portion of the payment may be given to the recipient. Credits or refunds may not be issued on returned eligible foods that were purchased with vouchers.
12. Participating in training as the department deems necessary to carry out the intent of FMNP/ SFMNP.
13. Cooperating with the department in the evaluation of each season by completely and accurately responding to a survey, with resubmission to the department in a specified and timely manner.
14. Immediately informing the department in the event of loss, destruction, or theft of the certified identification sign, or certified vendor stamp so that a replacement may be issued.
15. Complying with all procedures and rules as herein outlined and as delineated in the department vendor agreement, the certified vendor handbook, and written notices of clarification issued by the department to the vendor.
16. Complying with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, United States Department of Agriculture regulations on nondiscrimination contained in Parts 15, 15a and 15b and FNS instructions as outlined in 248.7 and 249.7 of the Title 7 Code of Federal Regulations as of May 26, 2005.
17. Agreeing to be monitored at farmers markets/farmstands and growing sites for compliance with FMNP/SFMNP requirements, including both overt and covert monitoring, and providing directions to growing sites upon request of department staff.

21—50.10(159) Certified vendor obligations. (continued)

18. Not seeking restitution from FMNP/SFMNP recipients for vouchers not paid by the department.
19. Paying the department for any vouchers transacted in violation of the FMNP/SFMNP regulations.
20. Ensuring that all other persons who act on behalf of the certified vendor at a farmers market/farmstand act solely on behalf of the certified vendor and understand and adhere to the procedures and regulations of the FMNP/SFMNP.
21. Coordinating with other certified vendors to ensure that at least one certified vendor remains at the authorized farmers market during the posted hours and days of operation.

21—50.11(159) Certified vendor noncompliance sanctions.

50.11(1) A voucher shall be returned to the certified vendor unpaid if the certified vendor identification number is not properly stamped on the face of the voucher or if the recipient signature is missing on the face of the voucher.

A voucher may be resubmitted for payment in the event that the signature or vendor certification identification error can be properly and legally corrected by the certified vendor.

50.11(2) Sanctions for violations of FMNP/SFMNP procedures and rules applicable to a certified vendor are as follows:

a. A warning citation may be the sanction for violation of the requirement to:

(1) Appropriately display the certified vendor identification sign,

(2) Post the current operating sticker to the vendor identification sign, or

(3) Coordinate with other certified vendors to ensure that at least one certified vendor remains at the authorized farmers market during the posted hours and days of operation. If a pattern of disregard is evident, the vendor may be suspended for the remainder of the current year and the following year.

b. A warning citation after the first violation and suspension from the FMNP/SFMNP for the remainder of the current year and the following year after the second violation (regardless of when the first violation occurred) may be the sanctions for violation of the requirement to:

(1) Begin each market day with at least 20 percent of all products for sale or on display in a certified vendor stall as eligible foods, having personally grown a majority of the eligible foods for sale or display, and with all produce being locally grown.

(2) Accept vouchers only at locations, hours, or days authorized by the department.

(3) Provide eligible foods to recipients upon receipt of a valid and properly completed voucher, which is signed at the time of sale.

(4) Accept vouchers as payment for eligible foods only if presented on or before the usage expiration date printed on the face of the voucher.

(5) Handle transactions with recipients in the same manner as transactions with all other customers to ensure that FMNP/SFMNP clients are not exposed to discriminatory practices in any form.

(6) Not collect state or local taxes on purchases involving vouchers.

(7) Provide eligible foods to recipients at the current price or less than the current price charged to other customers.

(8) Not levy a surcharge based on the use of vouchers by recipients.

(9) Comply with all procedures and rules as herein outlined and as delineated in the department vendor agreement, the certified vendor handbook, and written notices of clarification issued by the department to the vendor.

(10) Agree to be monitored at farmers markets/farmstands and growing locations for compliance with FMNP/SFMNP requirements, including both overt and covert monitoring; provide proper receipts for produce purchased for resale; or provide directions to growing sites upon request of department staff.

(11) Refrain from abusive or discriminatory treatment of recipients or FMNP/SFMNP staff.

21—50.11(159) Certified vendor noncompliance sanctions. (continued)

c. Disqualification without reinstatement may be the sanction for violation of the requirement to:

(1) Accept vouchers only in exchange for eligible foods, or

(2) Return no cash or issue no credit in any form to recipients during sales transactions that involve vouchers only.

50.11(3) Violations involving the use of multiple vouchers in a single sales transaction shall be considered as a single violation. Violations involving multiple sales transactions, regardless of time elapsed, shall be considered multiple violations at a standard of one violation per sales transaction.

50.11(4) Citations. A written citation shall be issued to the certified vendor by the department within five days of receipt of evidence of a violation. A written citation from the department shall be pending for five days following receipt of the citation by the certified vendor. The certified vendor shall be granted the pending period for presenting sufficient evidence to the department to substantiate a reversal. Remedies undertaken in response to receipt of a written notice of a pending citation of non-compliance shall not constitute evidence in defense of such citation. Failure to present any evidence (oral or written) to the department within the specified period shall constitute acceptance of the citation by the certified vendor. Submission of insufficient evidence by the certified vendor for determination of reversal on the pending citation by the department may result in a sanction upon completion of the pending period.

50.11(5) Suspension. Suspension of a certified vendor from participation in FMNP/SFMNP shall remain in effect for the balance of the current year and the following year. During the suspension period, the cited vendor shall refrain from participating in FMNP/SFMNP. The department shall have the right to reimbursement from the vendor of an amount equal in value to vouchers deposited after the official date of the suspension notification. The suspended vendor is required to return the certified vendor identification sign(s), and certified vendor stamp to the department within 15 days of receipt of the suspension notice. At the conclusion of a suspension period, the vendor must reapply for and receive certification in order to resume participation in FMNP/ SFMNP.

50.11(6) Disqualification. Disqualification shall be without reinstatement. The disqualified vendor is required to return the certified vendor identification sign(s) and certified vendor stamp to the department within 15 days of receipt of the disqualification notice. In the event of a disqualification, the department shall have the right to reimbursement from the vendor of an amount equal in value to vouchers deposited after the official date of disqualification notification.

50.11(7) Probationary status. Any vendor successfully recertified following suspension will be on probationary status for one full FMNP/SFMNP season. Recurrence of a substantiated suspension violation during the probationary period and for which the certified vendor has been cited shall be sufficient grounds for immediate and automatic disqualification.

21—50.12(159) Appeal.

A certified vendor who wishes to appeal a sanction made by the department which resulted in a suspension or disqualification may make a written request for administrative appeal to the department's FMNP/SFMNP director. This appeal must be made within 30 days of receipt of sanction notification by the certified vendor. The provisions of 21—Chapter 2 shall be applicable to an appeal except as otherwise provided in this chapter. The farmer/farmers market/CSA program has the right to appeal a denial of an application to participate. Expiration of a contract or agreement shall not be subject to appeal.

21—50.13(159) Deadlines.

50.13(1) *Submission of farmers market/farmstand/CSA assurances.* Assurances, on forms provided by the department, must be submitted no later than May 1 in order for a farmers market/ farmstand/CSA to be published in the Directory of Authorized Locations. Assurances will be accepted no later than June 30.

50.13(2) *Submission of vendor application.* All applications shall be submitted no later than one month preceding the last date on which vouchers may be used by recipients at an authorized farmers market/farmstand/CSA.

50.13(3) *Recipient voucher usage expiration.* Vouchers shall be valid for recipient use from the season starting date through the ending date as designated by the department. Such date shall be clearly printed on the voucher face. Vouchers shall be null and void after the expiration date.

50.13(4) *Certified vendor voucher reimbursement.* All vouchers accepted by a certified vendor shall be deposited on or before 15 days following the date of expiration for voucher usage by recipients. Such date shall be clearly printed in the endorsement space on the back of the voucher. Any claim to voucher payment beyond the voucher reimbursement expiration date is not valid and shall be denied.

50.13(5) *Submissions by local agency.* Deadlines for submission of records, reports, survey instruments and undistributed vouchers by local agencies shall be established by the department and specified in the agreement entered into with the local agency.

50.13(6) *Operations plans and reports to USDA-FNS.* The department shall develop and submit plans and reports in a manner prescribed by USDA-FNS.

21—50.14(159) Discrimination complaints.

FMNP/SFMNP/CVV is open to all eligible persons.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write: USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.

Eligible Foods

Apples	Cherries	Onions	Spinach
Apricots	Collard Greens	Parsnips	Squash
Asparagus	Cucumbers	Peaches	Strawberries
Beans	Currants	Pears	Sweet Corn
Beets	Eggplant	Peas	Sweet Potato
Blackberries	Gooseberries	Peppers	Swiss Chard
Blueberries	Grapes	Plums	Tomatoes
Broccoli	Kale	Potatoes	Turnips
Brussels Sprouts	Kohlrabi	Pumpkins	Turnip Greens
Cabbage	Leeks	Radishes	Watermelon
Cantaloupe	Lettuce	Raspberries	Zucchini
Carrots	Mustard Green	Rhubarb	
Cauliflower	Okra	Rutabaga	

Locally produced pure honey is an eligible food ***only*** for recipients of **Senior FMNP** checks. No other honey products are eligible.

Eligible Herbs

Basil	Dill	Oregano	Sage
Chives	Garlic	Parsley	Tarragon
Cilantro	Mint	Rosemary	Thyme

Ineligible Foods
Prohibited purchases with FMNP/SFMNP checks include but are not limited to:

a. non-locally grown fresh fruits, vegetables and/or herbs. If a certified vendor elects to display and/or sell fresh fruits, vegetables and/or herbs that are non-locally grown, then the vendor must not display the stall sign or accept any FMNP/SFMNP checks;
b. processed fruit or vegetable products such as jams, jellies, popcorn, juices, ciders, and baked goods of any kind, including fruit pies and breads;
c. a partial list of other ineligible items includes dried beans, dried peas, flowers, popcorn, eggs, ornamental corn (Indian corn), miniature and decorated pumpkins, gourds, nuts and plants.

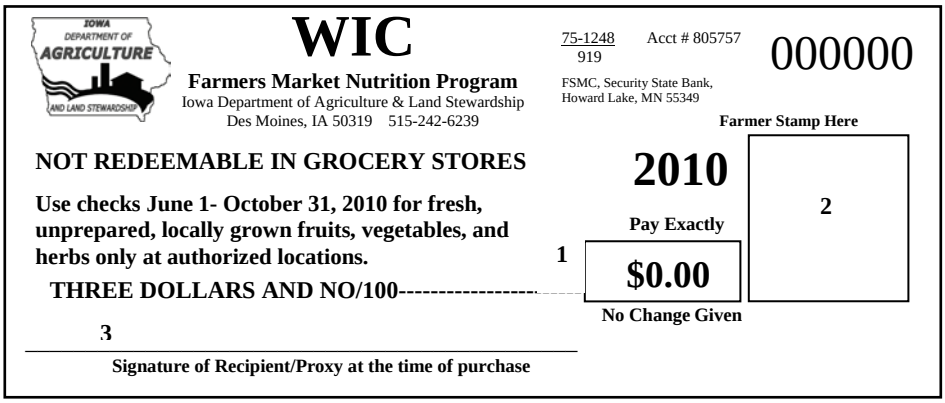
Farmers Market Stall/Farmstand
Non-locally grown, fresh fruits, vegetables and/or herbs may not be displayed and/or offered for sale by a certified vendor displaying the stall sign. Items other than locally grown fruits, vegetables and/or herbs (e.g. crafts, baked goods, flowers, etc.) may occupy space in a farmers market stall/farmstand. **The stall sign must be removed, however, when all locally grown fruits, vegetables and/or herbs are sold out.**

A certified vendor may not display the stall sign or accept any FMNP/SFMNP checks at any locations, times or on dates other than those authorized by IDALS.

A certified vendor may operate other farmers market stalls independent of the FMNP/SFMNP, as long as the non-FMNP/SFMNP stall(s) are separated from the certified stall by a minimum of two farmers market vendor stalls and must be operated independently. The two stalls separating the FMNP/SFMNP stall and the non-FMNP/SFMNP stall must be operated by a vendor who is neither affiliated with, nor related to the certified vendor and must be actively participating in the farmers market on the given day. Non-locally grown produce must always be in a different stall from locally grown produce. (Page 14)

Certified Vendor Identification Sign

Farmers Market Nutrition Program Check



IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

WIC

Farmers Market Nutrition Program
Iowa Department of Agriculture & Land Stewardship
Des Moines, IA 50319 515-242-6239

75-1248 / 919 Acct # 805757

FSMC, Security State Bank,
Howard Lake, MN 55349

000000

Farmer Stamp Here

NOT REDEEMABLE IN GROCERY STORES

Use checks June 1- October 31, 2010 for fresh, unprepared, locally grown fruits, vegetables, and herbs only at authorized locations.

2010

Pay Exactly

1 **$0.00**

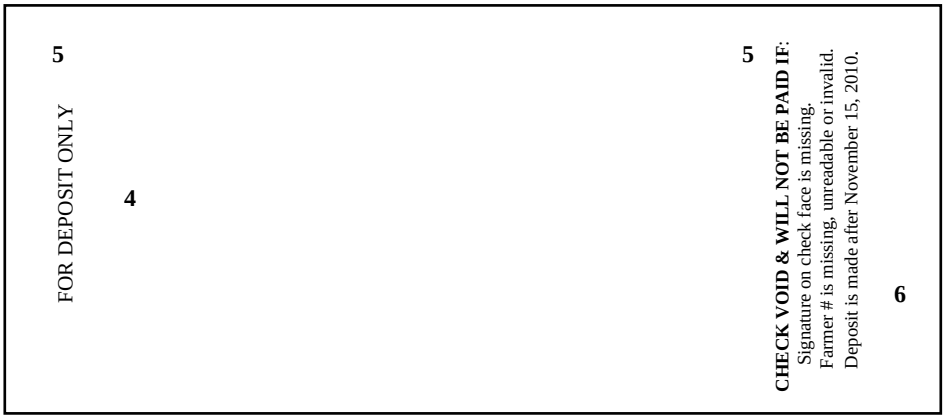
No Change Given

THREE DOLLARS AND NO/100----------

3

Signature of Recipient/Proxy at the time of purchase

2



5

FOR DEPOSIT ONLY

4

5

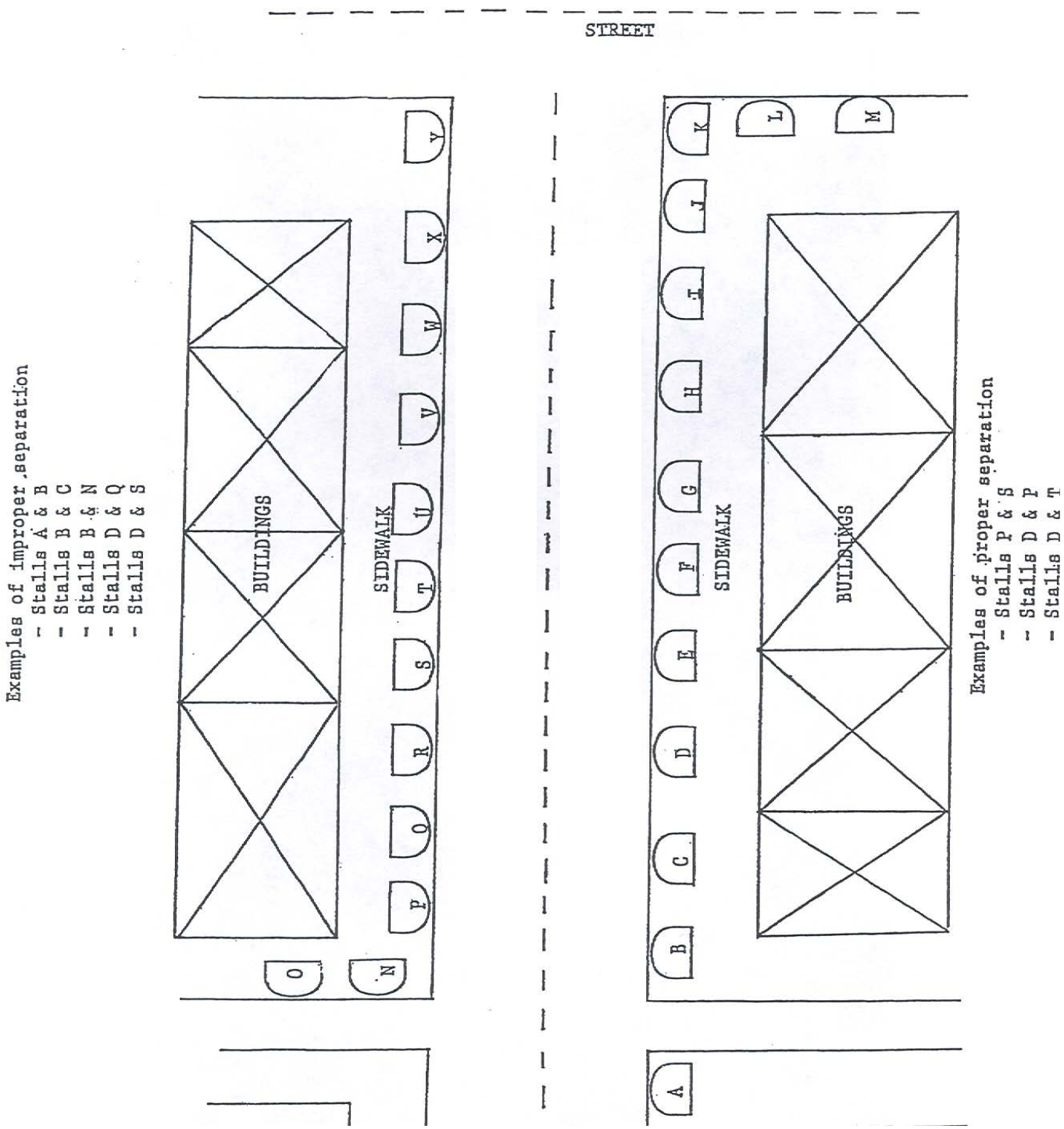
CHECK VOID & WILL NOT BE PAID IF:
Signature on check face is missing.
Farmer # is missing, unreadable or invalid.
Deposit is made after November 15, 2010.

6

Explanation of Farmers Market Nutrition Program Check

1. Farmers Market Nutrition Program check value is determined by IDALS.
2. Vendor certification number is to be stamped in this box.
3. Signature of the Farmers Market Nutrition Program check recipient or proxy on this line.
4. Vendor endorsement in this location.
5. Conditions for depositing the checks.
6. Conditions for voided checks.

Stall Separation Guide



Overview of the Iowa WIC Program

WIC, (the Special Supplemental Nutrition Program for Women, Infants, and Children), is a nutrition program for women, infants and children. The U.S. Congress established WIC in 1973 in recognition of the need for adequate nutrition during pregnancy and early childhood, especially among limited income families. The Iowa WIC Program provides nutrition education, breastfeeding support, supplemental foods, and referrals for health services to more than 75,000 individuals per month.

WIC services are available to women who are pregnant or who recently had a baby, infants and children up to the age of five. Participants must meet income eligibility criteria (less than 185 percent of the federal poverty guidelines), must be a resident of Iowa, and be determined as having a nutrition need by a licensed dietitian.

A Cash Value Voucher (CVV) is a type of food instrument issued to some WIC participants for the purchase of fruits and vegetables. Unlike prescribed WIC food instruments, the WIC participant may purchase fresh and /or frozen fruits and vegetables not specifically excluded and meeting WIC nutritional guidelines. CVVs shall be issued in increments of $6.00, $10.00, and $15.00 based on the value of benefits the participant is authorized to receive.

The Iowa WIC Program is funded by the United States Department of Agriculture through the Iowa Department of Public Health, Bureau of Nutrition & Health Promotion.

WIC CVV within FMNP

The Iowa Department of Public Health has agreed to allow WIC participants to redeem the CVVs at FMNP authorized locations as well as at grocery stores. The Farmers Market Nutrition Program checks are still redeemed only at FMNP authorized locations. They cannot be redeemed at grocery stores. FMNP certified vendors are able to accept WIC CVVs only at FMNP authorized locations following all FMNP rules and regulations. There are also federal and state regulations that apply to the WIC CVVs that all FMNP vendors must follow.

This portion of the vendor certification handbook explains the rules and regulations of the WIC CVVs. Vendors must ensure program regulations are met during each WIC CVV transaction in order to guarantee payment. Failure to adhere to program regulations could result in a vendor's suspension or disqualification from participation in WIC and other federal nutrition programs.

Participant Responsibilities

Participants shall be responsible for, but not limited to, all of the following:

- Qualifying under WIC CVV guidelines and attending a designated distribution site when vouchers are distributed.
- Properly signing a voucher(s) at time of use in the presence of the certified vendor who accepts a voucher in exchange for eligible foods.
- Presenting their WIC Identification (commonly known as the "blue ID folder".) This folder is required for identification purposes before WIC CVVs can be accepted and for comparison with the signature on the vouchers. **NOTE: No other identification may be required of a WIC Participant.**
- Using vouchers only to purchase eligible foods from certified vendors who display certified vendor identification signs at authorized farmers markets/farmstands.
- Ensuring WIC CVVs are not redeemed prior to the "First Valid Day of Use" and not later than the "Last Valid Day of Use" or surrendering all claim to the value of vouchers that remain unredeemed.
- Ensuring vouchers received are not assigned to any other party other than to a proxy.
- Reporting violations or problems to the department or the local agency.
- Reporting all incidents of lost or stolen vouchers to the local agency.

Vendor Responsibilities

A certified vendor shall be responsible for, but not limited to, all of the following:

- Ensuring that all FMNP rules and regulations are followed.
- Providing WIC CVV eligible foods to participants upon receipt of a valid and properly completed voucher which is signed at the time of sale.
- Stamping the four digit certified vendor number in the "**AUTHORIZED WIC STAMP**" box on the face of each voucher. (The IDALS supplies stamps. The Vendor may not create or use their own four digit certified vendor stamp.) This stamp may be applied at the time of the transaction or later, as long as it is applied prior to depositing the voucher. This vendor number must be legible for the food instruments to be honored by the bank. It is the responsibility of the vendor to properly maintain the stamp issued by the Department. If there is a problem with the certified vendor stamp contact the FMNP Administrator.
- Following the steps below when completing a Cash Value Voucher (CVV) transaction.
  1. Check that the WIC participant has the WIC Identification Folder with them.
  2. Verify that the first and last valid date of use appear printed on the voucher.
  3. Allow the purchase of only those items authorized as stated on the voucher.
  4. Allow the use of multiple authorized CVVs for one transaction for the same participant families (same family ID numbers). The value entered on the CVV may not exceed the value printed on the CVV.
  5. Accept alternative forms of payment if the value of the transaction exceeds the value printed on the CVVs presented.
  6. Do not provide cash back or credit (IOU) to participants if the value of the transaction is less than the printed value on the CVV.
  7. Either the participant or the vendor enters the date and amount of the transaction.
  8. Have the participant sign the WIC voucher. **Note: The participant signs after the date and amount are entered to verify that they are correct.**
  9. Verify that the signature on the voucher matches the signature on the blue WIC Identification Folder. **Note: The Vendor is not to accept the voucher if the signatures do not match.**
  10. Stamp the four digit vendor certification number on the voucher before submitting for payment.
- Accepting an alternative form of payment in conjunction with a WIC CVV transaction.
- Not giving change or credit to the participant following redemption of a WIC CVV.
- Not allowing returns of eligible foods purchased with WIC CVV for cash or credit toward other purchases.
- Not allowing WIC CVV to be exchanged for cash.
- Submitting vouchers for payment within 15 days of the date of receipt.
- A voucher will not be honored by the state's bank if it:
  1. Exceeds the maximum amount allowed,
  2. Is not stamped with a four digit certified vendor number stamp,
  3. Is missing the signature,
  4. Is invalid (redemption date is prior to the first date of use,
  5. Is expired (redemption date is past the last valid date of use),
  6. Has been altered in any way, or is issued by a State agency outside of Iowa.

j) Accepting a properly presented WIC CVV from any participant.

k) Complying with the nondiscrimination provisions of Departmental regulations 7CFR parts 15, 15a and 15b.

WIC CVV Eligible and Ineligible foods

WIC CVV eligible foods include fresh, nutritious, unprepared, locally grown fruits and vegetables. Eligible foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. Sweet potatoes and yams are considered eligible foods for CVV.

Ineligible foods include potatoes, herbs, spices, nuts, dried fruits, dried vegetables, honey, jam, jelly, preserves, edible blossoms, decorative corn, decorative pumpkins, gourds, and grasses.

WIC CVV Sanctions

Vendors who are disqualified from participation in, or have a civil monetary penalty imposed by the Food Stamp Program shall be automatically suspended or disqualified from the WIC / Senior FMNP and WIC CVV.

As a result of prepayment reviews conducted by the bank, improperly completed vouchers are refused payment and returned to the vendor. Vouchers are screened at the prepayment stage for missing authorized vendor stamp, missing signature, and price exceeding the maximum value allowed for a specific type of voucher.

Sanctions for violations of WIC CVV procedures and rules applicable to a certified vendor are as follows:

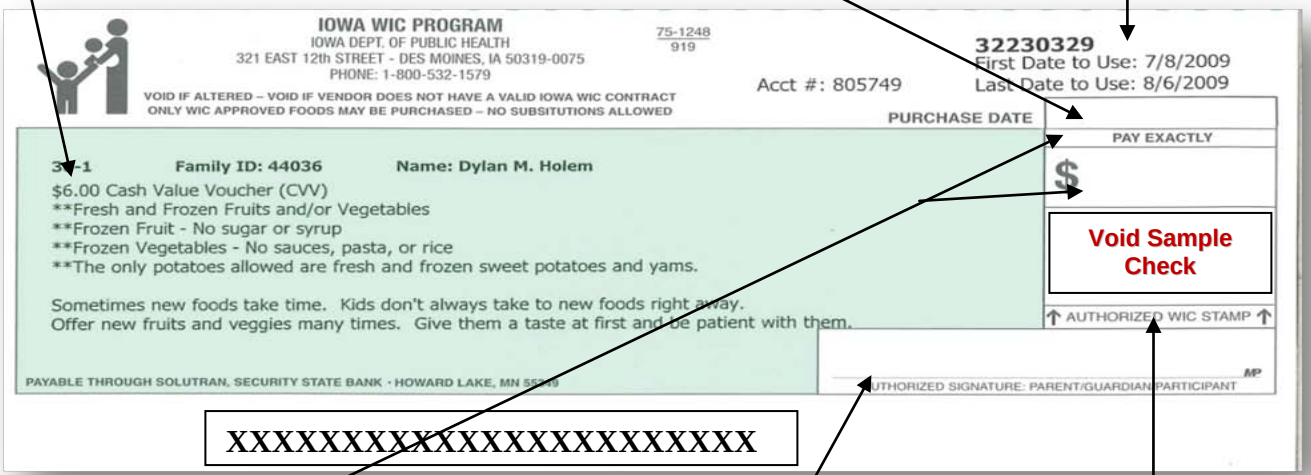
- A warning citation may be the sanction for:
  1. Depositing voucher(s) more than 15 days after purchase date,
  2. Accepting voucher(s) with no printed valid dates of use, or
  3. Failure to use the vendor stamp issued by the IDALS.
- A warning citation after the first violation and suspension from the WIC CVV for the remainder of the current year and the following year after the second violation (regardless of when the first violation occurred) may be the sanctions for:
  1. Accepting voucher(s) outside the valid dates of use,
  2. Refusal to accept valid WIC CVVs from participants,
  3. Discriminatory treatment of WIC participants, such as requiring WIC participants to provide extra identification,
  4. Depositing vouchers without amount, date of purchase, or participant signature,
  5. Contacting WIC participants in an attempt to recover funds not paid by WIC,
  6. Failure to train all employees and ensure their knowledge regarding WIC CVV program procedures set forth in the vendor's certification handbook
  7. Requiring other cash purchases prior to redeeming WIC CVVs,
  8. Failure to allow purchase of up to the full amount of WIC CVV eligible foods authorized on the voucher if such foods are available and desired by the WIC participant, or
  9. Threatening or verbally abusing WIC participants or department program personnel in the conduct of legitimate WIC CVV transactions.
- Disqualification without reinstatement may be the sanction for:
  1. Accepting the return of eligible foods purchased with WIC CVVs for cash or credit toward other purchases,
  2. Accepting vouchers in exchange for ineligible foods, or
  3. Submitting a WIC CVV redeemed by another certified vendor for payment.

The Iowa Department of Agriculture and Land Stewardship will notify vendors who violate the WIC CVV Program regulations in writing.

Accepting Iowa WIC Cash Value Vouchers (CVV)

2. Confirm only fresh locally grown fruits and vegetables have been purchased.
Purchase value entered on the CVV may not exceed the prescribed value. If a participant wishes to buy additional product, an alternative form of payment may be used to complete the transaction.

1. Confirm the CVV is within the valid dates of use. Enter the redeemed date.



3. Confirm the correct date and amount of purchase has been entered.
Amount entered may NOT exceed the prescribed value.
Values issued will be $6.00, $10.00 or $15.00.

4. Confirm CVV has been signed. CVV must be signed **after** the date and amount are filled in. **Compare the signature** on the CVV with one of the authorized signatures on the participant's blue Iowa WIC ID folder. **Signatures must match.** Pre-signed CVVs may not be accepted by the vendor.

5. Apply 4-digit Certified Vendor Stamp – prior to depositing. **Do "NOT" write in the 4-digit number.** Only an authorized 4-digit stamp may be used.
6. Deposit CVV within 15-days of accepting.

NO BLUE IOWA WIC ID FOLDER = NO PURCHASE

If the customer does not have an Iowa blue WIC ID folder, the vendor is not allowed to accept the WIC CVV.

Deposit Iowa WIC CVV

- **Clearly and firmly apply 4-Digit Certified Vendor Number Stamp prior to depositing CVV.**
- **Deposit CVVs within 15-days of accepting CVV.**
- **CVV will NOT be honored if deposited after the 15-days.**

Contact Information

IDALS website: www.iowaagriculture.gov

Farmers Market Nutrition Program
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319

Mike Bevins
Telephone: 515/242/5043
Fax: 515/242-5015
E-mail: mike.bevins@iowaagriculture.gov

Paul Ovrom
Telephone: 515/242-6239
Fax: 515/242-5015
E-mail: paul.ovrom@iowaagriculture.gov

Other Related Sources

Animal Industry
Meat & Poultry Inspection
Organics
Weights and Measures
Telephone: 515/281-5321

Food and Consumer Safety
Inspections and Appeals
Mark Speltz or Carlos Ortega
Telephone: 515/281-6096 or 281-6538
Fax: 515/281-3291
mark.speltz@dia.iowa.gov
carlos.ortega@dia.iowa.gov

Food & Nutrition Services USDA
Food Stamps
Rich Coker
Telephone: 515/284-4035
E-mail: rich.coker@fns.usda.gov

Health & Human Services
EBT at Farmers Markets
Jan Walters or Tracy Penick
Telephone: 515/281-3588 or 281-5545
jwalter1@dhs.state.ia.us
tpenick@dhs.state.ia.us

Revenue and Finance
Temporary Sales Tax Permit
Cheryl Puls
Telephone: 563/386-6484 Ext. 1
E-mail: cheryl.puls@iowa.gov