



# WIC Farmers Market and Senior Farmers Market Nutrition Program Handbook

Effective January 1, 2023

Alaska Department of Health  
Division of Public Assistance  
Women, Infants & Children (WIC) Program  
Farmers' Market Nutrition Program  
PO Box 110612  
Juneau, AK 99801  
Phone: (907) 465-3100  
Email: [wic@alaska.gov](mailto:wic@alaska.gov)

# Table of Contents

- A. About the Farmers’ Market Nutrition Programs.....3
- B. Farmer-Vendor and Farmers’ Market Eligibility.....3 – 4
- C. Farmer-Vendor Authorization Process.....4 – 7
- D. Farmers’ Market Authorization Process.....7 – 8
- E. Termination of Farmer-Vendor or Farmers’ Market Agreement.....8
- F. Approved Food List.....9
- G. Accepting Benefits .....9 – 12
  - Table 1: Common Banking Errors and Consequences.....12
- H. WIC Program Responsibilities.....12
- I. Program Monitoring.....12 – 16
  - Table 2a: SFMNP and FMNP Sanctions for farmers and farm stands.....13-15
  - Table 2b: SFMNP and FMNP Sanctions for farmers’ markets .....15-16
- J. Problems and Complaints.....17
- K. Discrimination Complaints.....17
- L. Administrative Appeals.....18
- M. Definitions .....18 – 20

**Appendices:**

- Appendix A Farmer-Vendor Application Form
- Appendix B Farmers’ Market Application Form
- Appendix D Farmer-Vendor Agreement
- Appendix E Farmers’ Market Agreement
- Appendix F WIC Check Appeal Request
- Appendix G Complaint Form
- Appendix H Approved Food List
- Appendix AM Administrative Review Process

## **A. About the Farmers' Market Nutrition Programs**

### **Supplemental Nutrition Program for Women, Infants and Children (WIC) FMNP**

WIC is a federally funded health and nutrition program for women, infants, and children. WIC helps families by providing food assistance to buy nutritious supplemental foods from WIC-authorized vendors. WIC also provides nutrition education to participants. To qualify for the program, participants must meet the federal income guidelines, be nutritionally at-risk, and be pregnant, new mothers, infants, or children under age five (5).

### **WIC Farmers' Market Nutrition Program (FMNP)**

Eligible WIC participants may also qualify for Alaska WIC Farmers' Market Nutrition Program (FMNP) benefits during the farmers' market season (June 1 – October 31). Since farmers' markets and farmstands are not available in every region of Alaska, WIC FMNP benefits are distributed to participants who live in a region with authorized farmer-vendors. Participants receive checks to purchase fresh, nutritious, Alaskan grown produce from Alaska WIC-authorized farmer-vendors.

### **Senior Farmers' Market Nutrition Program (SFMNP)**

The SFMNP serves eligible senior citizens sixty (60) years of age and older who meet income and residency guidelines. Senior participants are provided with checks that may be redeemed for fresh, nutritious, Alaskan grown and produced fruit, vegetables, herbs and honey sold by authorized farmer-vendors during the June 1 – October 31 season.

## **B. Farmer-Vendor and Farmers' Market Eligibility**

Alaska FMNP and SFMNP checks can only be accepted by authorized farmer-vendors at designated farmers' markets, farmstand and/or farm locations that have been approved by the State of Alaska WIC Program.

### **Who qualifies for the programs?**

- A farm, either owned, leased, or rented by an individual producer which holds an active agricultural related Alaska business license.
- A farm or farmstand which grows at least one-third (33 percent) of the produce offered for sale at a farmers' market, farmstand or farm.
- A farmer-vendor whose produce offered for sale is clearly labelled. Labels must allow shoppers to easily identify Alaska grown produce and pre-tax sale price.
- A farmer, farmstand, and farmers' market that includes enough variety and quantity of produce to meet the demand of FMNP and SFMNP participants in the area served.
- A farmers' market, farmstand, or farm that is open for produce sales for a minimum of three hours on at least one consistent day every week for at least eight consecutive weeks during the season. These criteria must be met using a consistent location.
- A farmers' market, farmstand, or farm that is consistently located in an area that serves enough eligible FMNP, and/or SFMNP participants to justify the need for a farmers' market or farmstand. Determination is made by the State of Alaska WIC FMNP and SFMNP Program Coordinator.



## Authorization Process

Applications for authorization to accept FMNP and SFMNP benefits are processed within 30 days of receipt by the WIC Program. Applications with missing information will not be processed until all forms and information is complete.

If your application is denied authorization by the WIC Program, reimbursement for FMNP or SFMNP benefits will not be provided. All complete applications that are denied authorization will receive written notification of the denial and the right to an appeal.

If your application is approved by the WIC Program, a copy of your Farmer-Vendor Agreement will be sent to you, with the WIC Program Director's countersignature. The Farmer-Vendor Agreement will be valid for all remaining seasons during the three-year cycle. If you have applied during the second or third year of the cycle, the Farmer-Vendor Agreement will be valid for the remaining season(s) only.

The WIC Program will mail you the following:

- A copy of the fully executed Farmer-Vendor Agreement.
- A copy of this Alaska WIC and Senior FMNP Handbook.
- A WIC Farmers' Market Accepted Here poster that **must** be displayed prominently at all public sale sites whenever selling eligible produce. Posting the sign lets participants know that they can use their FMNP or SFMNP benefits at your farm, farmstand or market. Failure to comply will result in a violation of your Farmer Agreement and may result in penalties or sanctions.

**IMPORTANT: Do not accept any FMNP or SFMNP benefits until you have received your signed Farmer-Vendor Agreement or written confirmation of your farm authorization.**

## General Requirements

The authorized Farmer-Vendor will:

- Accept and redeem FMNP and SFMNP benefits only after receiving authorization by the State of Alaska WIC Program.
- Accept benefits within the dates of their validity and submit them to your bank of choice for payment within the allowable time established by the State of Alaska.

**IMPORTANT: It is your responsibility to ensure all benefits are submitted for reimbursement at your bank of choice. The State of Alaska is not responsible for bank policies, procedures, and/or fees.**

- Not ask to see ID for program benefits.
- Stamp or clearly write the unique Farmer-Vendor number on each transacted FMNP and SFMNP check prior to depositing at the bank of the farm's choice.
- Assure that FMNP and SFMNP benefits are accepted only for eligible foods grown within Alaska's borders. See Appendix H for approved foods.

- Provide eligible fruits and vegetables at the current price charged to other customers.
- Accept training on FMNP and SFMNP procedures and provide training to farm representatives with responsibilities for such procedures. First time authorized farmers are required to participate in one-on-one training with the State of Alaska FMNP and SFMNP prior to participating in the programs.
- Be accountable for actions of all farm representatives including volunteers.
- Agree to be monitored overtly and covertly and provide access and cooperate with FMNP and SFMNP representatives when being monitored for compliance with program procedures and requirements.
- Understand that the State of Alaska may deny payment and require reimbursement for any improperly redeemed benefits and agree to reimburse the State of Alaska FMNP and/or SFMNP for any benefits transacted in violation of program requirements.
- Comply with the nondiscrimination provisions of USDA regulations:  
*In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.*
- Offer FMNP and SFMNP shoppers and/or their proxies the same courtesies as other customers.
- Notify the State Agency within 15 business days if farm or market ceases operation prior to the end of the authorization period.
- Handle FMNP and SFMNP benefits carefully. They should be stored in a secure, locked location. Lost or stolen benefits will not be replaced or reimbursed. Benefits damaged beyond legibility may be denied.
- Prominently display the Farmers' Market Accepted Here poster at the point of sale so participants can identify the farm as an approved farmer-vendor.

**The authorized farmer-vendor will not:**

- Collect tax on purchases paid for by FMNP and/or SFMNP benefits.
- Seek restitution from the State of Alaska and/or participants for benefits not paid.
- Claim reimbursement for an amount greater than the face value of FMNP and/or SFMNP benefits.
- Issue cash change.

- Accept and exchange FMNP and/or SFMNP benefits for cash or other non-approved items or services.
- Charge more or levy a surcharge for participants who use FMNP and/or SFMNP benefits.
- Commit fraud or abuse of the FMNP and/or SFMNP programs.
- Participate in the FMNP and/or SFMNP if you are sanctioned, suspended, debarred, or disqualified by the Alaska Department of Health or the United States Department of Agriculture.
- Accept FMNP and/or SFMNP benefits that are canceled, previously accepted, marked void, or appear to be reproduced or tampered with.

## D. Farmers' Market Authorization Process

Farmers' market authorizations are for a three-year period beginning June 1 through November 30 of each year. All interested farmers' markets must submit a new application for each three-year cycle. Applications must be submitted during the Spring open application period. Applications submitted outside of the open application period will not be processed.

An application form and Farmers' Market Agreement for authorization as a farmers' market under the Farmers' Market Nutrition Programs will be made available on the Alaska WIC Program website at <http://wic.alaska.gov>.

### How to Apply

- 1) Complete and submit the appropriate application form and Farmer-Vendor agreement by mail, email, or fax to the following:  

Mail: State of Alaska - WIC	email: <a href="mailto:doh.dpa.wic.vendor@alaska.gov">doh.dpa.wic.vendor@alaska.gov</a>
PO Box 110612	fax: (907) 465-3416
Juneau, Alaska 99811	
- 2) If your market is authorized, the State Agency will finalize the agreement and return a finalized version to you.
- 3) Applications are accepted in the Spring of the current year. Applications received after the deadline will not be processed.

### Authorization Process

Applications for authorization to accept FMNP and SFMNP benefits are processed within 30 days of receipt by the WIC Program. Applications with missing information will not be processed until all forms and information is complete. If your application is denied you will receive written notification of the denial and the right to an appeal.

If your application is approved by the WIC Program, a copy of your Farmer-Vendor Agreement will be sent to you, with the WIC Program Director's countersignature. The Farmer-Vendor Agreement will be

valid for all remaining seasons during the three-year cycle. If you have applied during the second or third year of the cycle, the Farmer-Vendor Agreement will be valid for the remaining season(s) only.

The WIC Program will mail you the following:

- A copy of the fully executed Farmer-Vendor Agreement.
- A copy of this Alaska WIC and Senior FMNP Handbook.
- A WIC Farmers' Market Accepted Here poster that **must** be displayed prominently when an authorized farm is selling eligible produce. Posting the sign lets participants know that they can use their FMNP or SFMNP benefits at your market. Failure to comply will result in a violation of your Farmer Agreement and may result in penalties or sanctions.

## **FMNP Farmers' Market Requirements**

The authorized Farmers' Market Manager will:

- Ensure that the Farmers' Market poster is prominently posted at all Market Manager information booths,
- Provide FMNP and SFMNP information to farmers interested in requesting authorization to participate in these programs,
- Before April 15<sup>th</sup>, provide the State Agency with the location and scheduled dates and hours of market operation.
- Provide the State Agency by October 31<sup>st</sup> of each year a list of market expenses paid for using non-federal funds, and
- Report to the State Agency any alleged or suspected misuse, abuse, fraud, or violation in connection with the programs policy and procedures.

## **E. Termination of Farmer-Vendor or Farmers' Market Agreement**

A farmer-vendor or farmers' market manager may terminate participation in the FMNP and SFMNP by giving the program at least 15 days written advance notice via mail, email or fax. You must remove any FMNP and/or SFMNP materials supplied by the program and return them to the following address:

Mail: State of Alaska - WIC                      email:doh.dpa.wic.vendor@alaska.gov  
PO Box 110612                                      fax: (907) 465-3416  
Juneau, Alaska 99811

Upon termination of the Farmer-Vendor Agreement, all FMNP and SFMNP benefits must be deposited to the farmers bank of choice within 15 days.

## **F. Approved Food List**

The foods that are approved for purchase by FMNP and SFMNP participants are called eligible and approved foods. See Appendix H for a complete list of approved foods. We strongly recommend that you familiarize yourself with the Approved Food List annually and keep a copy handy for quick reference.



**Allowed:**

- Alaska grown fruits and vegetables that are not processed or prepared beyond their natural state except for usual harvesting and cleaning processes.
- Alaska grown, fresh cut edible herbs

**Not allowed:**

- Food products processed beyond their natural state
- Products that are not grown within Alaska borders
- Products that are diced, shredded, sliced, chopped, et cetera
- Frozen products
- Potted plants, herbs, flowers
- Edible flowers
- Meats, seafood, eggs, or dairy products
- Baked goods
- Ornamental foods
- Nuts or seeds
- Dried fruits and vegetables, fruit leathers or fruit roll-ups
- Marijuana

## **G. Accepting Benefits**

All FMNP and SFMNP benefits must be handled like cash; lost or stolen benefits will not be replaced or reimbursed. If you suspect abuse, please report it to the State Agency via email, mail or fax.

**Mail:** Division of Public Assistance/WIC  
Farmers' Market Nutrition Program  
PO Box 110612  
Juneau, Alaska 99811

**Email:** [doh.dpa.wic.vendor@alaska.gov](mailto:doh.dpa.wic.vendor@alaska.gov)  
**Fax:** (907) 465-3416

**DOs:**

- Do accept FMNP and SFMNP benefits only within the valid market dates of June 1 – October 31 of the current year.
- Do offer to add produce to equal the amount of the benefit if a purchase is less than the value of the benefit.
- Do allow participants to combine multiple FMNP and/or SFMNP benefits in a single transaction.
- Do allow the participant to pay the difference using her/his own funds, if the purchase is more than the amount printed on the benefit.

**DO NOTs:**

- Do not accept benefits outside of the valid market dates.

- Do not give change.
- Do not charge or collect tax on the value of the benefits presented.

## Benefit Details:

### Benefit Distribution:

The State of Alaska WIC Program has partnered with several agencies across Alaska to accept applications and issue program benefits. FMNP benefits are issued to low-income women, infants, and children in regions where there are authorized farmers. SFMNP benefits are issued by senior distribution agencies such as senior housing facilities and senior centers. For more information on distribution locations, please contact the State WIC Office at (907) 465-3100.

### FMNP Benefit Value:

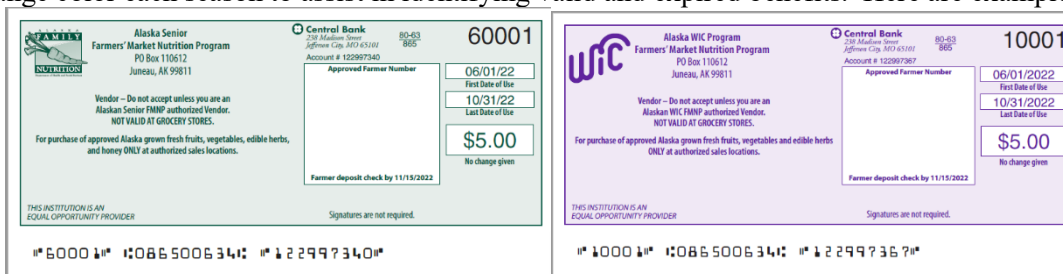
Each FMNP check is worth \$5. Eligible applicants will receive a total value of \$30 to use between June 1<sup>st</sup> and October 31<sup>st</sup>. Multiple checks may be used in a single transaction.

### SFMNP Benefit Value:

Each SFMNP check is worth \$5. Eligible applicants will receive a total value of \$40 to use between June 1<sup>st</sup> and October 31<sup>st</sup>. Multiple checks may be used in a single transaction.

### Check Examples:

Checks change color each season to assist in identifying valid and expired benefits. Here are examples:



### Farmer Reimbursement Process:

- 1) Checks must not be altered and must be legible.
- 2) Each FMNP and SFMNP check must feature a stamped or legibly handwritten unique farmer-vendor number in the box marked “Vendor Stamp Here” prior to deposit into the farmer’s bank. Illegible or missing numbers may cause the check to be rejected.
- 3) Deposit all FMNP and SFMNP checks in your bank of choice before **November 15** of the current year.

**IMPORTANT: It is your responsibility to ensure all benefits are submitted for reimbursement at your bank of choice. The State of Alaska is not responsible for bank policies, procedures, and/or fees.**

**Note: Fees applied by your bank will not be reimbursed under any circumstance by the State of Alaska.**

## Found Checks

Please notify the State WIC Office immediately if FMNP and/or SFMNP checks are found.

## Void or Cancel Checks

To void or cancel a check, simply write “VOID” across the front in bold lettering. All voided checks should be reported to the State WIC Office within 3 days.

## Preventing and Correcting Errors

Checks are “pre-edited” (screened for errors) by the State of Alaska and check processor. Checks are reimbursed if there are no errors found. An error may be correctable. In this case it will be returned to you via your bank for correction.

**Important Notes: Your bank may charge you a returned check handling fee for each rejected checks. Please make certain to check for errors before you deposit them at your bank of choice. We strongly recommend that you submit FMNP and SFMNP checks for reimbursement as you receive them; do not wait until the end of the season to make a deposit. Banking issues are difficult to resolve close to and after the farmers’ market season has ended.**

## Check Reconsideration

For farmer-vendors who believe a payment denial has been made incorrectly or believe there is a justifiable reason why payment should be made, the program may consider payment approval with valid justification. A farmer-vendor must submit an appeal request to the program within 30 days of rejection by the bank. A form and instructions for a WIC Check Appeal Request are included in Appendix F.

## Table 1: Common Banking Errors and Consequences

**Error:** Missing, Illegible, or Invalid farmer-vendor number

**Result: Non-fatal**

**Error:** Amount encoded by your bank of deposit disagrees with amount entered on face of benefit (must be corrected through your bank).

**Result:** Bank will return the rejected check. Error **may be** corrected, and the check may be deposited within valid dates.

**Error:** Deposited after date specified (stale-dated)

**Result: Fatal**

**Error:** Altered purchase price or sale date (if improperly corrected)

**Result:** Bank will return the rejected check. Error **may be** corrected, and the check may be deposited within valid dates.

**Error:** Missing purchase price or date

**A. Result:** Bank will return the rejected check. Error **may be** corrected, and the check may be deposited within valid dates.

## B. WIC Program Responsibilities

The Alaska WIC Program will:

- Provide Accepted Here posters for the farmers and farmers' markets participating in the FMNP and SFMNP.
- Provide each eligible FMNP and SFMNP participant benefits that may be redeemed only at authorized farmer-vendors between June 1 and October 31.
- Assure reimbursements (to authorized farmers) of valid FMNP and SFMNP checks are completed before December 31st.
- Deny payment to a farmer for improperly redeemed checks and/or demand repayment to the State of Alaska SFMNP and/or FMNP.
- Provide program training and technical assistance to farmers' market managers, farmers, and farmstands.
- Provide monitoring of farmers' markets, farmers, and farmstands to assure compliance with 7 CFR 246 (WIC regulations), 7 CFR 248 (FMNP regulations) and 7 CFR 249 (SFMNP regulations).

## C. Program Monitoring

USDA regulations require the State of Alaska monitor authorized farmer-vendors and farmers' markets for compliance with the rules that are intended to ensure that federal funds allocated for FMNP and SFMNP are properly spent.

### Monitoring Visits

State and Local Agency staff conduct regular on-site visits and monitoring of farmer-vendors and farmers' markets – both covertly and overtly. The goals are to:

- ensure compliance with the program requirements,
- provide technical assistance and support, and
- conduct investigations of complaints, alleged violations, frauds, and/or illegal activity.

Farmers' markets and farmer-vendors who fail to comply with the FMNP and SFMNP requirements are subject to warning, sanctions (penalties), and/or disqualification depending on the extent, severity, and frequency of the violation.

### Sanctions for Program Violations

A farmer-vendor or farmers' market which commits fraud or abuse is subject to program sanctions, which may include repayment, fine, suspension, or disqualification from the program.

Violations are classified into four levels of noncompliance: Category I, Category II, Category III and Category IV. If a violation is documented, sanctions will be imposed.

#### Table 2a: SFMNP and FMNP Sanctions for Farms and Farmstands

Violation Type:

##### Category I

**Description:** Failure to display a S/FMNP Accepted Here sign at public sales location.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested.

**Description:** Depositing/cashing incomplete benefit checks.

**State Agency Action/Penalty:** The farmer-vendor may be required to participate in special training to resolve the violation.

Violation Type:

Category II

**Description:** Two Category I violations.

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency.

The farmer-vendor may be required to participate in special training to resolve the violation.

Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Description:** Providing false information on the Farmer Application which did not result in incorrect eligibility and/or authorization.

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency.

The farmer-vendor may be required to participate in special training to resolve the violation.

Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Description:** Failure to provide updated sales location information by the annual deadline.

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency.

The farmer-vendor may be required to participate in special training to resolve the violation.

Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Description:** Failing to participate in annual training.

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency.

The farmer-vendor may be required to participate in special training to resolve the violation.

Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Description:** Accepting FMNP or SFMNP benefits before June 1st or after October 31<sup>st</sup> or before authorization is complete.

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency.

The farmer-vendor may be required to participate in special training to resolve the violation.

Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Description:** Operating a sales location on the self-service or honor system, i.e., not staffing the sales location.

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency.

The farmer-vendor may be required to participate in special training to resolve the violation.

Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Description:** Accepting FMNP or SFMNP benefits for in-eligible food products. (See Category IV for issues concerning drugs, weapons, alcohol, or cash.)

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency.

The farmer-vendor may be required to participate in special training to resolve the violation.

Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Description:** Attempting to collect or collecting tax on produce sold to FMNP and SFMNP participants (benefit portion only).

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency.

The farmer-vendor may be required to participate in special training to resolve the violation.

Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Description:** Refusal to accept valid FMNP and/or SFMNP benefit checks for eligible products.

Violation Type:  
Category III

**Description:** Three or more Category I violations or two or more Category II violations.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Providing false information on the Farmer Application which resulted in incorrect eligibility and/or authorization.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Failure to meet the minimum eligibility criteria during the current market season.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Failure to sell any produce grown during the agreement year.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Accepting FMNP or SFMNP benefits for non-food products. (See Category IV for issues concerning drugs, weapons, alcohol, or cash.)

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Providing money, rain checks, or services in exchange for benefit checks.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Charging FMNP or SFMNP participants more than other customers.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Seeking restitution from program participants for benefits not paid by the Dept.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Discrimination, hostile actions, and/or inappropriate behavior towards a FMNP or SFMNP participant.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Receiving reimbursement or cashing benefit checks for a grower who is not authorized or bartering for benefits the non-authorized grower has accepted.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Failing to allow, comply with, or cooperate in the Department's inspections and monitoring.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Description:** Any noncompliance with the Program Requirements not specifically identified as a Category I, II or IV violation.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

Violation Type:  
Category IV

**Description:** Two or more category III violations.

**State Agency Action/Penalty:**

- Violation will result in a written notification of noncompliance from the State Agency.
- The farmer-vendor may be required to participate in special training to resolve the violation.
- Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.
- Violation will result in termination of Farmer-Vendor agreement and disqualification from the FMNP and SFMNP for a full market season (June 1-Oct 31). Farmer-vendor will need to reapply for authorization after suspension.
- Vendor may be required to reimburse the State of Alaska for any reimbursed benefits resulting of false application approval and authorization.
- Program staff may notify the Alaska Business License office of any farmer operating without a valid business license.
- Violation will result in termination of Farmer-Vendor agreement and disqualification from the program for a period of three full seasons (seasons run June 1-Oct 31).
- Fraud, abuse, and/or the sale of drugs, weapons, and/or alcohol may be reported to the police or federal government for further investigation or disciplinary action.



- Vendor may be required to reimburse the State of Alaska for any benefit checks which the State of Alaska has deemed invalidly redeemed.

**Description:** Committing fraud or abuse in connection with the FMNP or SFMNP.

**State Agency Action/Penalty:**

- Violation will result in a written notification of noncompliance from the State Agency.
- The farmer-vendor may be required to participate in special training to resolve the violation.
- Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.
- Violation will result in termination of Farmer-Vendor agreement and disqualification from the FMNP and SFMNP for a full market season (June 1-Oct 31). Farmer-vendor will need to reapply for authorization after suspension.
- Vendor may be required to reimburse the State of Alaska for any reimbursed benefits resulting of false application approval and authorization.
- Program staff may notify the Alaska Business License office of any farmer operating without a valid business license.
- Violation will result in termination of Farmer-Vendor agreement and disqualification from the program for a period of three full seasons (seasons run June 1-Oct 31).
- Fraud, abuse, and/or the sale of drugs, weapons, and/or alcohol may be reported to the police or federal government for further investigation or disciplinary action.
- Vendor may be required to reimburse the State of Alaska for any benefit checks which the State of Alaska has deemed invalidly redeemed.

**Description:** Continuing to participate in FMNP and/or SFMNP during a period of suspension or disqualification.

**State Agency Action/Penalty:**

- Violation will result in a written notification of noncompliance from the State Agency.
- The farmer-vendor may be required to participate in special training to resolve the violation.
- Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.
- Violation will result in termination of Farmer-Vendor agreement and disqualification from the FMNP and SFMNP for a full market season (June 1-Oct 31). Farmer-vendor will need to reapply for authorization after suspension.
- Vendor may be required to reimburse the State of Alaska for any reimbursed benefits resulting of false application approval and authorization.
- Program staff may notify the Alaska Business License office of any farmer operating without a valid business license.
- Violation will result in termination of Farmer-Vendor agreement and disqualification from the program for a period of three full seasons (seasons run June 1-Oct 31).
- Fraud, abuse, and/or the sale of drugs, weapons, and/or alcohol may be reported to the police or federal government for further investigation or disciplinary action.
- Vendor may be required to reimburse the State of Alaska for any benefit checks which the State of Alaska has deemed invalidly redeemed.

**Description:** Providing drugs, weapons, alcohol, or cash to a customer in exchange for program benefits.

**State Agency Action/Penalty:**

- Violation will result in a written notification of noncompliance from the State Agency.
- The farmer-vendor may be required to participate in special training to resolve the violation.
- Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

- Violation will result in termination of Farmer-Vendor agreement and disqualification from the FMNP and SFMNP for a full market season (June 1-Oct 31). Farmer-vendor will need to reapply for authorization after suspension.
- Vendor may be required to reimburse the State of Alaska for any reimbursed benefits resulting of false application approval and authorization.
- Program staff may notify the Alaska Business License office of any farmer operating without a valid business license.
- Violation will result in termination of Farmer-Vendor agreement and disqualification from the program for a period of three full seasons (seasons run June 1-Oct 31).
- Fraud, abuse, and/or the sale of drugs, weapons, and/or alcohol may be reported to the police or federal government for further investigation or disciplinary action.
- Vendor may be required to reimburse the State of Alaska for any benefit checks which the State of Alaska has deemed invalidly redeemed.

**Table 2b: SFMNP and FMNP Sanctions for Farmers’ Markets**

Violation Type:

**Category I**

**Description:**

- Failure to display a S/FMNP Accepted Here sign at public sales location.
- Failure to provide S/FMNP training and/or information to the public when requested.

**State Agency Action/Penalty:**

- Violation will result in verbal or written warning, with corrective action requested.
- The farmers’ market manager may be required to participate in special training to resolve the violation.

Violation Type:

**Category II**

**Description:**

**Two Category I violations.**

- Providing false information on the Farmers’ Market Application which did not result in incorrect eligibility and/or authorization.
- Failure to provide updated sales location information by the annual deadline.
- Failing to participate in annual training.

**State Agency Action/Penalty:**

- Violation will result in a written notification of noncompliance from the State Agency.
- The manager may be required to participate in special training.

Violation Type:

**Category III**

**Description:**

- Three or more Category I violations or two or more Category II violations.
- Providing false information on the Farmer’s Market Application which resulted in incorrect eligibility and/or authorization.
- Failure to meet the minimum eligibility criteria during the current market season.
- Discrimination, hostile actions, and/or inappropriate behavior towards a FMNP or SFMNP participant.
- Failing to cooperate in S/FMNP monitoring.
- Any noncompliance with the Program Requirements not specifically identified as a Category I, II or IV violation.



through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [complaint form: http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.

## F. Administrative Appeals

The WIC Program will provide written notice of adverse action to be taken during the farmer-vendor or farmers' market agreement period.

The State agency will provide farmer-vendors and/or farmers' markets with not less than 15 days advance written notice by email and/or certified mail of adverse action to be taken during the agreement period. Adverse action will be implemented after the 15-day advance notice period has elapsed. **No advance notice will be provided for a disqualification due to a conviction of trafficking, selling firearms, alcohol, or illegal substances in exchange for FMNP and/or SFMNP benefits.**

A farmer-vendor or farmers' market may request an administrative appeal for the following:

- denial of an application to become an authorized farmer-vendor or farmers' market,
- termination of the Farmer or Farmers' Market Agreement for cause,
- imposition of a penalty, and/or
- disqualification (except in case of a reciprocal disqualification as a result of another USDA Program disqualification).

If the farmer-vendor or farmers' market chooses to appeal the action, the farmer-vendor or farmers' market manager must file a written Request for Administrative review within 30 days after notification of the action to: Department of Health, Director, Division of Public Assistance, P.O. Box 110640, Juneau, Alaska 99811.

The request must include a statement setting forth the State agency action which the farmer-vendor or farmers' market is contending and the reasons for appealing the action. Evidence supporting the farmer-vendor or farmers' market statement should be included. Requests for Appeal will be reviewed, and hearings conducted, in

accordance with the Administrative Review Process in Appendix AM. The farmer-vendor or farmers' market may be able to pursue judicial review of the agency's decision.

## G. Definitions

**Compliance Buy** means a covert, on-site investigation in which a representative of FMNP and/or SFMNP poses as a participant, parent or caretaker of an infant or child participant, or proxy, transacts program benefits, and does not reveal during the visit that he or she is a FMNP and/or SFMNP representative.

**Check** means a voucher, coupon, food instrument (FI), warrant, or other negotiable financial instrument by which benefits under the FMNP and SFMNP are transferred to participants.

**Community Supported Agriculture (CSA)** is defined by Merriam-Webster as a system in which a farm is supported by local consumers who purchase prepaid shares in the farm's output which they receive periodically throughout the growing season. CSA's are not authorized for the FMNP or SFMNP in the State of Alaska.

**DOH** stands for Alaska Department of Health. This is also sometimes referred to as the State Agency throughout this document.

**Senior Distribution Agency** means an entity or agency which accepts SFMNP applications and issues SFMNP benefits to eligible participants and the public.

**Eligible Foods for purchase with Senior and Farmers Market Nutrition Program coupons (SFMNP/FMNP)** means fresh, nutritious, unprepared, Alaska grown, approved 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. Ineligible foods include dried, frozen, and cut fruits and vegetables, edible flowers, marijuana, maple syrup, cider, juices, nuts, seeds, eggs, meat, cheese, and seafood. Honey is approved only for purchase with SFMNP benefits.

**Fraud and Abuse** means the intentional conduct which violates FMNP and/or SFMNP regulations, policies, or procedures, including, but not limited to, misappropriating, or altering checks, entering false or misleading information, or creating records for fictitious participants.

**Farmer** means an individual producer who owns or manages a leased or rented farm and who is authorized by the FMNP and/or SFMNP to sell eligible fruits, vegetables, and herbs directly to consumers at a farmers' market or farmstand. Entities or individuals who exclusively sell produce grown by someone else, such as wholesale distributors, non-profit organizations, rehabilitation centers, and others cannot be authorized to participate in FMNP and SFMNP. For purposes of this agreement, this includes the term "Farmer" as defined in WIC Farmers' Market Nutrition Program (FMNP), 7 C.F.R. § 248.2, and Seniors FMNP, 7 C.F.R. § 249.2, and in Special Supplemental Nutrition Program for Women, Infants and Children (WIC), 7 C.F.R. § 246.2.

**Farmers' Market** means an association of local farmers who assemble at a defined location and scheduled time for the purpose of selling their produce directly to consumers.

**Farmstand** means a location at which a single, individual farmer sells his/her produce directly to the consumer. This contrasts with a group or association of farmers selling their produce at a farmers' market.

**FMNP** stands for Farmers' Market Nutrition Program.

**Local Agency** means any entity or agency which issues FMNP benefits and provides nutrition education and/or information on operational aspects of the programs to eligible participants.

**Locally Grown** means produce grown only within Alaska borders. Under no circumstances can produce grown outside of Alaska be considered eligible for the FMNP and SFMNP.

**Participants** means pregnant women, breastfeeding women, postpartum women, infants and children age 5 or under, and seniors age 60 or older, who meet eligibility criteria, and who are receiving benefits from the SFMNP.

**Participant Violation** means any intentional action of a participant, parent, or caretaker of an infant or child participant, or proxy that violates federal and/or state statutes, regulations, policies, or procedures governing the WIC Program, FMNP, and SFMNP. Participant violations include intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain benefits; exchanging coupons or supplemental foods for cash, credit, non-food items, services, or unauthorized food items, including supplemental foods in excess of the participant's benefit; threatening to harm or physically harming clinic, farmer or vendor staff; and dual participation.

**Proxy** means any person designated by a participant, or by a parent or caretaker of an infant or child participant, to obtain and transact benefits or to obtain supplemental foods on behalf of a participant. The proxy must be designated consistent with the State agency's procedures established pursuant to 7 CFR § 246.12 (r) (1). Parents or caretakers applying on behalf of a child and infant are not proxies. For the SFMNP, "proxy" means an individual authorized by an eligible senior to act on the senior's behalf according to 7 CFR §249.2.

**SFMNP** stands for Senior Farmers' Market Nutrition Program.

**USDA** stands for United States Department of Agriculture.

**WIC** stands for Special Supplemental Nutrition Program for Women, Infants and Children.



## WIC Farmers Market and Senior Farmers Market Nutrition Program **Handbook Appendices**

Please visit <http://wic.alaska.gov> for appendices  
or call (907) 465-3100 to request an  
emailed, faxed or mailed copy.

Alaska Department of Health  
Division of Public Assistance  
Women, Infants & Children (WIC) Program  
Farmers' Market Nutrition Program  
PO Box 110612  
Juneau, AK 99812  
Phone: (907) 465-3100  
Email: [doh.dpa.wic.vendor@alaska.gov](mailto:doh.dpa.wic.vendor@alaska.gov)



Appendix A Farmer-Vendor Application Form

Farmers' Market and Senior Farmers' Market Nutrition Programs

2023-2024 Farmer Application for Authorization

Complete applications due March 15
Authorization is complete when notified by Alaska WIC Office 3416

State of Alaska
Division of Public Assistance

PO Box 110612
Juneau, AK 99801
Phone:(907) 465-3100
Fax: (907) 465-3416

Program Introduction: The Alaska Farmers' Market nutrition programs issue checks which can be exchanged for Alaska-grown fruits, vegetables, and herbs at authorized farmer sales sites. Seniors can also purchase Alaska produced honey.

\*\*\* Please write legibly. Items marked with an asterisk (\*) are required. \*\*\*

Farmer Information:

\*Alaska Business License Number: \_\_\_\_\_

\*Farm Name \_\_\_\_\_ \*Owner's Name \_\_\_\_\_

\*Email \_\_\_\_\_ \*Phone \_\_\_\_\_ Fax \_\_\_\_\_

\*Mailing Address \_\_\_\_\_ \*City \_\_\_\_\_ \*Zip \_\_\_\_\_

\*Physical Address \_\_\_\_\_ \*City \_\_\_\_\_ \*Zip \_\_\_\_\_

Order & Payment Information:

Pre-orders are accepted by (check all that apply): [ ] Phone [ ] Online/Website [ ] By mail/fax [ ] Other

\*Select all payment types accepted at your farm sales location(s).

(Do not include payment accepted by the market.)

- [ ] Debit/Credit [ ] Cash/Check [ ] Venmo [ ] Paypal
[ ] SNAP EBT cards [ ] Other: (please list) \_\_\_\_\_

\*Please select your electronic payment device and/or software provider:

- [ ] None [ ] Square [ ] Marketlink/TotilPay [ ] Clover [ ] Other: \_\_\_\_\_

\*Bank Name: \_\_\_\_\_

\*Name Registered to Account: \_\_\_\_\_

\*Routing Number: \_\_\_\_\_ \*Account Number \_\_\_\_\_

Location Information:

\*Provide ALL public sales locations. If you have additional locations, please attach additional pages.

Farm/Market Name or Location Description:

Physical Street Address (Interceptions not accepted)

Date Range (First & Last Sales dates)



Day(s) of the week:  
Operating Hours:

**Program Sign Requirement:**

All authorized farms must display the bright yellow “Accepted Here” sign at every public sales location. If you do not have a sign or need replacement(s), please identify how many signs you’d like to request here: \_\_\_\_\_

**Produce Information:**

Do you sell non-produce items?  No  Yes  
No  Yes

Do you grow in a greenhouse and/or high tunnel?

\*We grow \_\_\_\_\_ % of the produce we sell. If less than 100%, please indicate states, regions and/or other farms where produce is grown:

\_\_\_\_\_

List produce that your farm will grow in Alaska and sell to the public. (If more space is needed, please attach.)

\_\_\_\_\_

List Alaska grown produce that your farm acquires from other farms. (If more space is needed, please attach.)

\_\_\_\_\_

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). This institution is an equal opportunity provider

**By signing below, I have read and acknowledge the following:**

- All the information in this application is true and correct. I will report any changes to information listed on this application to the State of Alaska WIC Office within 10 business days of the change.
- I understand that providing false information may result in denial or termination of my authorization to participate.

- I agree to follow all program requirements listed in the 2022 Farmer Handbook available per request or online at <https://dhss.alaska.gov/dpa/Pages/nutri/fmnp/fmnpvendorinfo.aspx>.
- I will monitor the email address listed above regularly for program notifications, updates, and requests.
- I will work with State of Alaska staff as the program transitions to electronic benefits or notify the program of my voluntary withdrawal from the FMNP and SFMNP.

---

Applicant Printed Name

\*Applicant Signature

\*Date



## Farmer-Vendor Agreement

Between the State of Alaska Department of Health and the farmer named below:

---

This agreement is entered into by and between the State of Alaska, Department of Health and the farm named above to participate in the State of Alaska WIC Farmers' Market Nutrition Program (FMNP) and Senior Farmers' Market Nutrition Program (SFMNP). The duration of this agreement shall be for the 2023-2024 Farmers' Market seasons unless terminated earlier as provided below.

### It is the purpose of this agreement to:

1. Describe and agree to program policies, procedures, and expectations for the proper redemption and reimbursement of WIC and Senior FMNP benefits.
2. Expand customer base and use of Alaska farmers' markets, farmstands, and farms where consumers buy direction from the farmer.

### It is therefore mutually agreed that:

1. The farm named above shall furnish the necessary personnel and services and otherwise do all things necessary for, or incidental to, the performance of conditions set forth below.
2. The farm named above authorized to participate in the Alaska FMNP, and SFMNP agrees to conditions and rules listed in this agreement and supplemental documentation provided by the State of Alaska.

### Deposit deadlines are as follows:

1. All FMNP and SFMNP checks must be deposited during the same year of issue into the authorized farm bank of their choice no later than November 15 of each year.

### Definitions:

**DOH** stands for Alaska Department of Health. This is also sometimes referred to as the State Agency.

**Compliance buy** means a covert, on-site investigation in which a representative of WIC, FMNP and/or SFMNP poses as a program participant or proxy, transacts a purchase with program benefits, and does not reveal during the visit that he or she is a WIC, FMNP and/or SFMNP representative.

**Benefit** means a check, coupon, food instrument, warrant, voucher, or other negotiable financial instrument by which benefits under the FMNP and SFMNP are transferred to participants.

**Community Supported Agriculture (CSA)** is a system in which a farm is supported by local consumers who purchase prepaid shares in the farm's output which they receive periodically through the growing season. CSAs are not authorized for the FMNP or SFMNP in the State of Alaska.

**Distribution agency** means any entity or local government agency which issues FMNP or SFMNP benefits and provides nutrition education and/or information on operational aspects of the program to eligible participants.

**Eligible foods** for purchase with WIC and Senior Farmers Market Nutrition Program benefits (FMNP/SFMNP) means fresh, nutritious unprepared, locally grown, approved 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. Ineligible foods

include, but are not limited to potted plants, marijuana, dried fruits and vegetables, maple syrup, cider, juices, nuts, seeds, eggs, meat, cheese, and seafood. Alaska produced honey is approved only for purchase with SFMNP benefits.

**Fraud and abuse** mean the intentional conduct which violates WIC program, FMNP and/or SFMNP regulations, policies, or procedures, including but not limited to, misappropriating, or altering benefits, falsifying, or providing misleading information, incorrectly redeeming, and receiving reimbursement for benefits, receiving reimbursement for benefits not redeemed by your farm, and others.

**Farmer** means an individual authorized to sell eligible fruits, vegetables, and herbs to participants at a farmers' market, farmstand or farm. Individuals or organizations which exclusively sell product grown by someone else cannot be authorized to participate in the FMNP and SFMNP. For purposes of this agreement, this includes the term "Farmer" as defined in WIC Farmers' Market Nutrition Program (FMNP), 7 C.F.R. 248.2, and Senior FMNP 7 C.F.R. 249.2, and in Special Supplemental Nutrition Program for Women Infants and Children (WIC) 7 C.F.R. 246.2 as well as the term "producer" as that term is used in C.N.A. 42 U.S.C. 1786.

**Farmers' market** means an association of local farmers who assemble at a defined location and scheduled time for the purpose of selling produce directly to consumers.

**Farmstand** means a location at which a single, individual farm or farmer sells his/her produce directly to the consumer. This is in contrast to a group or association of farmers selling their produce at a farmers' market.

**FMNP** stands for Farmers' Market Nutrition Program.

**Local agency** means any entity or local government agency which issues FMNP benefits and provides nutrition education and/or information on operational aspects of the program to eligible participants.

**Locally grown** means produce grown only within Alaska borders. Under no circumstances can produce grown outside of Alaska be considered eligible for the FMNP and SFMNP.

**Participants** means women, infants, and children who are receiving supplemental food benefits under the FMNP; and seniors aged 60 or older who have applied and have met eligibility criteria.

**Participant violation** means any intentional action of a participant, parent, caretaker, or proxy that violates federal or state statutes, regulations, policies, or procedures governing the WIC program, FMNP, and SFMNP. Participant violations include intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain benefits; exchanging benefits or supplemental foods for cash, credit, non-food items, or unauthorized food items, including supplemental foods more than those listed on the participant's benefits; treating to harm or physically harming clinic, farmer, or vendor staff; and dual participation.

**Proxy** means any person designated by a participant, or by a parent or caretaker of an infant or child participant, to obtain and redeem benefits or to obtain supplemental foods on behalf of a participant. The proxy must be designated consistent with the state agency's procedures established pursuant to 7 C.F.R. 246.12(r)(1). Parents or caretakers applying on behalf of a child and/or infant are not proxies. For the SFMNP, proxy means an individual authorized by an eligible senior to act on the senior's behalf according to 7 C.F.R. 249.2.

**Senior participant** means eligible seniors 60 years old and over who have applied and have been approved for participation.

**SFMNP** stands for Senior Farmers' Market Nutrition Program.

**USDA** stands for United States Department of Agriculture.

WIC stands for Supplemental Nutrition Program for Women, Infants, and Children.

**The State of Alaska Department of Health shall:**

1. Provide each eligible senior, woman, infant, and child applicant a one-time benefit issuance. Distribution of the FMNP benefits will be made by Local agencies. Distribution of the SFMNP benefits will be made by approved distribution agencies.
2. Correctly determine and monitor farmer eligibility.
3. Evaluate and determine regions of program benefit distribution prior to June 1<sup>st</sup> of each season.
4. Assure payments to authorized farmers of properly processed and valid FMNP and SFMNP benefits are submitted by the end of the calendar year.
5. Deny payments to a farmer for improperly redeemed benefits and/or demand repayment for improperly reimbursed benefits prior to the farm's continued participation in future seasons.
6. Provide training to authorized farmers' market managers, farmstands, and farmers.
7. Provide accepted here signs to be displayed by authorized farmers at point of sale.
8. Provide monitoring of authorized farmers and farmstands to assure compliance with 7 C.F.R. 248 (FMNP regulations) and 7 C.F.R. 249 (SFMNP regulations).
9. Communicate with authorized farmers via the email provided on the Farm Application or other email per the request of the farmer.

**The Farmer shall:**

1. Be in an area that serves enough participating seniors, women, infants, and children to justify the authorization of the farm.
2. Include enough variety and quantity of produce to meet the demand of eligible FMNP and SFMNP participants in the area it serves.
3. Be open for business to the public at a consistent location for a minimum of three hours on at least one consistent day of the week for at least eight weeks between June 1 and October 31.
4. Must have authorized sales locations staffed and may not operate on the self-serve or honor system.
5. Maintain a valid agriculture-related Alaska business license.
6. Accept training relating to the FMNP and SFMNP procedures and provide training to any employees and/or volunteers on all procedures. Farms in their first year of FMNP and/or SFMNP authorization are required to participate in one-on-one training with the State of Alaska prior to participation in the programs.
7. Assure that FMNP and SFMNP benefits are redeemed only after receiving a complete copy of this agreement.
8. Accept FMNP and SFMNP benefits at all public sales locations offering eligible foods.
9. Display the Accepted Here sign at all public sales locations when selling eligible foods.
10. Assure that FMNP and SFMNP benefits are redeemed only for eligible, unprocessed, fresh fruits, vegetables, and herbs. Alaska honey is also eligible for purchase with SFMNP benefits.
11. Do not provide unauthorized food items, nonfood items, cash, or credit (including rain checks) in exchange for benefits.
12. Accept FMNP and SFMNP benefits only within the valid market dates of June 1 through October 31 of the year listed on the benefit.
13. Offer customers the opportunity to use the full benefit value.
14. Do not provide cash change in exchange for program benefits.
15. Allow FMNP and SFMNP participants to pay the difference if the total of their purchased is over the amount printed on the benefit. Shoppers may use any payment method offered to other customers, including cash, check, debit, credit, and/or SNAP (previously known as Food Stamps).
16. Allow FMNP and SFMNP participants to combine multiple benefits in a single transaction.
17. Do not charge tax on portions of the sale paid for using FMNP and/or SFMNP benefits.
18. Assure that all benefits feature the unique State of Alaska WIC and Senior FMNP farmer identifier prior to submitting for reimbursement.

19. Take responsibility for ensuring all FMNP and SFMNP benefits are deposited at their bank of choice no later than November 15 of the current year.
20. Provide equitable treatment of FMNP and SFMNP shoppers and participants, including the availability of produce that is of the same quality and at the current price as sold to other customers.
21. Provide program staff with any information available which the Alaska FMNP and SFMNP deems necessary to track the impact of the FMNP and SFMNP, including information required for annual reports to the USDA, Food and Nutrition Services.
22. Comply with applicable state and federal regulations pertaining to civil rights and nondiscrimination.
23. Cooperate with Alaska FMNP and SFMNP staff in over and covert monitoring for compliance with FMNP and SFMNP procedures.
24. Be accountable for actions of all farm employees and volunteers.
25. Pay the Alaska FMNP and SFMNP for any benefits transacted in violation of this agreement.
26. Not seek restitution from FMNP and SFMNP shoppers for benefits not paid or partially paid by Alaska DOH.
27. Safeguard confidential FMNP and SFMNP participant information including names, phone numbers, email addresses, mailing and physical addresses, and other personal identifiable information.
28. Notify the DOH FMNP and SFMNP office when and if your farm ceases operation prior to the end of the authorization period.
29. Submit an annual Information Update Form provided by the State of Alaska WIC program by the stated deadline.
30. Accept communications via email and regularly monitor the email address provided to the Alaska DOH FMNP and SFMNP for program related communications, deadlines and requirements, training, and others.

Any violation of these rules may result in the Alaska DOH disqualifying the farm from the programs. The farm may be subject to sanctions in addition to, or in lieu of, disqualification. For a list of sanctions please refer to the FMNP/SFMNP Sanction Schedule at the end of this agreement. The Alaska DOH shall notify the farm in writing 15 calendar days prior to the disqualification effective date. The Alaska DOH may deny payment to the farm from improperly redeemed FMNP and/or SFMNP benefits or may establish a claim for payments already made on improperly redeemed benefits. The Alaska DOH may disqualify a farm for program abuse with a minimum of 15 days' advance written notification.

A farm which commits fraud, abuse, or engages in other illegal activity is liable to prosecution under applicable federal, state, and/or local regulations. Farm may appeal an action of the Alaska DOH denying its application to participate, imposing a sanction, or disqualifying it from participating in the FMNP/SFMNP if received within 30 calendar days of notification. Expiration of an agreement shall not be subject to appeal through the Alaska DOH. All appeals must be in writing, and addressed to: State of Alaska, Farmers' Market Nutrition Program, PO Box 110612, Juneau, Alaska 99811. The State of Alaska Farmers' Market Nutrition Program maintains no obligation to reinstate a farm agreement after disqualification. The farm understands that they may reapply to participate in the program as stipulated in the disqualification notification.

Any of the parties to this agreement shall have the right to terminate the agreement with 30 days' notice upon submission of a written notice to the other parties. Termination notices or other correspondence from the farm shall be addressed to: State of Alaska, Farmers' Market Nutrition Program, PO Box 110612, Juneau, Alaska.

**Order of Precedence:**

In the event of an inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: 1) applicable federal and state statutes and regulations, 2) special terms and conditions, 3) any other provision of the agreement whether incorporated by reference or otherwise.

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties. The undersigned have affixed their signatures in execution thereof.

**Farm Representative**

**State of Alaska Department of Health**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title or Position

\_\_\_\_\_  
Title or Position

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

**FMNP and SFMNP Sanction Schedule**

Each occurrence is considered one day and/or one location unless otherwise stated.

**Violation Type**

**Category I**

- Failure to display a S/FMNP Accepted Here sign at public sales location.
- Depositing/cashing incomplete benefit checks.

**State Agency Action/Penalty**

Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

**Category II**

- Two Category I violations.
- Providing false information on the Farmer Application which did not result in incorrect eligibility and/or authorization.
- Failure to provide updated sales location information by the annual deadline.
- Failing to participate in annual training.
- Accepting FMNP or SFMNP benefits before June 1st or after October 31st or before authorization is complete.
- Operating a sales location on the self-service or honor system, i.e., not staffing the sales location.

- Accepting FMNP or SFMNP benefits for in- eligible food products. (See Category IV for issues concerning drugs, weapons, alcohol, or cash.)
- Attempting to collect or collecting tax on produce sold to FMNP and SFMNP participants (benefit portion only).
- Refusal to accept valid FMNP and/or SFMNP benefit checks for eligible products.

**State Agency Action/Penalty**

Violation will result in a written notification of noncompliance from the State Agency. The farmer-vendor may be required to participate in special training to resolve the violation. Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

**Category III**

- Three or more Category I violations or two or more Category II violations.
- Providing false information on the Farmer Application which resulted in incorrect eligibility and/or authorization.
- Failure to meet the minimum eligibility criteria during the current market season.
- Failure to sell any produce grown during the agreement year.
- Accepting FMNP or SFMNP benefits for non- food products. (See Category IV for issues concerning drugs, weapons, alcohol, or cash.)
- Providing money, rain checks, or services in exchange for benefit checks.
- Charging FMNP or SFMNP participants more than other customers.
- Seeking restitution from program participants for benefits not paid by the Dept.
- Discrimination, hostile actions, and/or inappropriate behavior towards a FMNP or SFMNP participant.
- Receiving reimbursement or cashing benefit checks for a grower who is not authorized or bartering for benefits the non-authorized grower has accepted.
- Failing to allow, comply with, or cooperate in the Department’s inspections and monitoring.
- Any noncompliance with the Program Requirements not specifically identified as a Category I, II or IV violation.

**State Agency Action/Penalty**

Violation will result in termination of Farmer-Vendor agreement and disqualification from the FMNP and SFMNP for a full market season (June 1-Oct 31). Farmer-vendor will need to reapply for authorization after suspension. Vendor may be required to reimburse the State of Alaska for any reimbursed benefits resulting of false application approval and authorization. Program staff may notify the Alaska Business License office of any farmer operating without a valid business license.

**Category IV**

- Two or more category III violations.
- Committing fraud or abuse in connection with the FMNP or SFMNP including providing drugs, weapons, alcohol, or cash to a customer in exchange for program benefits.
- Continuing to participate in FMNP and/or SFMNP during a period of suspension or disqualification.

**State Agency Action/Penalty**

Violation will result in termination of Farmer- Vendor agreement and disqualification from the program for a period of three full seasons. Fraud, abuse, and/or the sale of drugs, weapons, and/or alcohol may be reported to the police or federal government for further investigation or disciplinary action. Vendor may be required to reimburse the State of Alaska for invalidly redeemed benefits.





## Farmers Market Agreement

Between the State of Alaska Department of Health and the farmers market named below:

---

This agreement is entered into by and between the State of Alaska, Department of Health and the farmers' market named above to participate in the State of Alaska WIC Farmers' Market Nutrition Program (FMNP) and Senior Farmers' Market Nutrition Program (SFMNP). The duration of this agreement shall be for the 2023-2024 Farmers' Market seasons unless terminated earlier as provided below.

### It is the purpose of this agreement to:

3. Describe and agree to program policies, procedures, and expectations for the proper redemption and reimbursement of WIC and Senior FMNP benefits.
4. Expand customer base and use of Alaska farmers' markets, farmstands, and farms where consumers buy direction from the farmer.

### It is therefore mutually agreed that:

3. The farmers market named above is not authorized to accept program benefits and/or receive reimbursement.
4. The farmers market name above shall furnish the necessary personnel and services and otherwise do all things necessary for, or incidental to, the performance of conditions set forth below.
5. The farmers market named above authorized to participate in the Alaska FMNP, and SFMNP agrees to conditions and rules listed in this agreement and supplemental documentation provided by the State of Alaska.

### Definitions:

**DOH** stands for Alaska Department of Health. This is also sometimes referred to as the State Agency.

**Compliance buy** means a covert, on-site investigation in which a representative of WIC, FMNP and/or SFMNP poses as a program participant or proxy, transacts a purchase with program benefits, and does not reveal during the visit that he or she is a WIC, FMNP and/or SFMNP representative.

**Benefit** means a check, coupon, food instrument, warrant, voucher, or other negotiable financial instrument by which benefits under the FMNP and SFMNP are transferred to participants.

**Community Supported Agriculture (CSA)** is a system in which a farm is supported by local consumers who purchase prepaid shares in the farm's output which they receive periodically through the growing season. CSAs are not authorized for the FMNP or SFMNP in the State of Alaska.

**Distribution agency** means any entity or local government agency which issues FMNP or SFMNP benefits and provides nutrition education and/or information on operational aspects of the program to eligible participants.

**Eligible foods** for purchase with WIC and Senior Farmers Market Nutrition Program benefits (FMNP/SFMNP) means fresh, nutritious unprepared, locally grown, approved 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. Ineligible foods include, but are not limited to potted plants, marijuana, dried fruits and vegetables, maple syrup, cider, juices, nuts, seeds, eggs, meat, cheese, and seafood. Alaska produced honey is approved only for purchase with SFMNP benefits.

**Fraud and abuse** mean the intentional conduct which violates WIC program, FMNP and/or SFMNP regulations, policies, or procedures, including but not limited to, misappropriating, or altering benefits, falsifying, or providing misleading

information, incorrectly redeeming, and receiving reimbursement for benefits, receiving reimbursement for benefits not redeemed by your farm, and others.

**Farmer** means an individual authorized to sell eligible fruits, vegetables, and herbs to participants at a farmers' market, farmstand or farm. Individuals or organizations which exclusively sell product grown by someone else cannot be authorized to participate in the FMNP and SFMNP. For purposes of this agreement, this includes the term "Farmer" as defined in WIC Farmers' Market Nutrition Program (FMNP), 7 C.F.R. 248.2, and Senior FMNP 7 C.F.R. 249.2, and in Special Supplemental Nutrition Program for Women Infants and Children (WIC) 7 C.F.R. 246.2 as well as the term "producer" as that term is used in C.N.A. 42 U.S.C. 1786.

**Farmers' market** means an association of local farmers who assemble at a defined location and scheduled time for the purpose of selling produce directly to consumers.

**Farmstand** means a location at which a single, individual farm or farmer sells his/her produce directly to the consumer. This is in contrast to a group or association of farmers selling their produce at a farmers' market.

**FMNP** stands for Farmers' Market Nutrition Program.

**Local agency** means any entity or local government agency which issues FMNP benefits and provides nutrition education and/or information on operational aspects of the program to eligible participants.

**Locally grown** means produce grown only within Alaska borders. Under no circumstances can produce grown outside of Alaska be considered eligible for the FMNP and SFMNP.

**Participants** means women, infants, and children who are receiving supplemental food benefits under the FMNP; and seniors aged 60 or older who have applied and have met eligibility criteria.

**Participant violation** means any intentional action of a participant, parent, caretaker, or proxy that violates federal or state statutes, regulations, policies, or procedures governing the WIC program, FMNP, and SFMNP. Participant violations include intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain benefits; exchanging benefits or supplemental foods for cash, credit, non-food items, or unauthorized food items, including supplemental foods more than those listed on the participant's benefits; treating to harm or physically harming clinic, farmer, or vendor staff; and dual participation.

**Proxy** means any person designated by a participant, or by a parent or caretaker of an infant or child participant, to obtain and redeem benefits or to obtain supplemental foods on behalf of a participant. The proxy must be designated consistent with the state agency's procedures established pursuant to 7 C.F.R. 246.12(r)(1). Parents or caretakers applying on behalf of a child and/or infant are not proxies. For the SFMNP, proxy means an individual authorized by an eligible senior to act on the senior's behalf according to 7 C.F.R. 249.2.

**Senior participant** means eligible seniors 60 years old and over who have applied and have been approved for participation.

**SFMNP** stands for Senior Farmers' Market Nutrition Program.

**USDA** stands for United States Department of Agriculture.

**WIC** stands for Supplemental Nutrition Program for Women, Infants, and Children.

**The State of Alaska Department of Health shall:**

10. Provide each eligible senior, woman, infant, and child applicant a one-time benefit issuance that may be accepted only by eligible farmers and farmstands between June 1 and October 31. Distribution of the FMNP benefits will be made by Local agencies. Distribution of the SFMNP benefits will be made by approved distribution agencies.
11. Correctly determine and monitor farmer, farmstand, and farmers market eligibility.
12. Evaluate and determine regions of program benefit distribution prior to June 1<sup>st</sup> of each season.
13. Deny payments for improperly redeemed benefits and/or demand repayment for improperly reimbursed benefits.
14. Provide training to authorized farmers' market managers, farmstands, and farmers.
15. Provide accepted here signs to be displayed by authorized farmers markets, farmstands, and farmers point of sale.
16. Provide monitoring of authorized farmers markets, farmers, and farmstands to assure compliance with 7 C.F.R. 248 (FMNP regulations) and 7 C.F.R. 249 (SFMNP regulations).

**The farmer market shall:**

31. Be in an area that serves enough participating seniors, women, infants, and children to justify the authorization.
32. Include enough variety and quantity of produce to meet the demand of participants in the area it serves.
33. Be open for business to the public at a consistent location for a minimum of three hours on at least one consistent day of the week for at least eight weeks between June 1 and October 31.
34. Accept training relating to the FMNP and SFMNP procedures and provide training to any employees and/or volunteers on all procedures. Farmers markets in their first year of authorization are required to participate in one-on-one training with the State of Alaska prior to participation in the programs.
35. Display the Accepted Here sign in a highly visible area when authorized farmers are present at the market.
36. Receive prior approval from the Alaska DOH prior to offering incentives to FMNP & SFMNP shoppers.
37. Ensure equitable treatment of all FMNP and SFMNP shoppers.
38. Provide program staff with any information which the Alaska FMNP and SFMNP deems necessary to track the impact of the FMNP and SFMNP, including information required for annual reports to the USDA.
39. Report to the Alaska DOH by October 15 all in-kind contributions made during the farmers market season.
40. Comply with applicable state and federal regulations pertaining to civil rights and nondiscrimination.
41. Cooperate with Alaska FMNP and SFMNP staff in monitoring for compliance with FMNP and SFMNP procedures.
42. Safeguard confidential FMNP and SFMNP participant information including names, phone numbers, email addresses, mailing and physical addresses, and other personal identifiable information.
43. Notify the DOH when and if your farmers market ceases operation prior to the end of the authorization period.
44. Submit an annual Information Update Form provided by the State of Alaska WIC program by the stated deadline.
45. Accept communications via email and regularly monitor the email address provided to the Alaska DOH FMNP and SFMNP for program related communications, deadlines and requirements, training, and others.

Any violation of these rules may result in the Alaska DOH disqualifying the farmers market from the programs. The farmers market may be subject to sanctions in addition to, or in lieu of, disqualification. For a list of sanctions please refer to the FMNP/SFMNP Sanction Schedule at the end of this agreement. The Alaska DOH shall notify the farmers market in writing 15 calendar days prior to the disqualification effective date. The Alaska DOH may disqualify a farmers' market for program abuse with a minimum of 15 days' advance written notification.

A farmers' market which commits fraud, abuse, or engages in other illegal activity is liable to prosecution under applicable federal, state, and/or local regulations. The farmers market may appeal an action of the Alaska DOH denying its application to participate, imposing a sanction, or disqualifying it from participating in the FMNP/SFMNP if received within 30 calendar days of notification. Expiration of an agreement shall not be subject to appeal through the Alaska DOH. All appeals must be in writing, and addressed to: State of Alaska, Farmers' Market Nutrition Program, PO Box 110612, Juneau, Alaska 99811. The State of Alaska Farmers' Market Nutrition Program maintains no obligation to reinstate a farmers market agreement after disqualification. The farmers' market understands that they may reapply to participate in the program as stipulated in the disqualification notification.

Any of the parties to this agreement shall have the right to terminate the agreement with 30 days' notice upon submission of a written notice to the other parties. Termination notices or other correspondence from the farmers market shall be addressed to: State of Alaska, Farmers' Market Nutrition Program, PO Box 110612, Juneau, Alaska.

**Order of Precedence:**

In the event of an inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: 1) applicable federal and state statutes and regulations, 2) special terms and conditions, 3) any other provision of the agreement whether incorporated by reference or otherwise. This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties. The undersigned have affixed their signatures in execution thereof.

**Farmers Market Representative**

**State of Alaska Department of Health**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title or Position

\_\_\_\_\_  
Title or Position

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

**FMNP and SFMNP Sanction Schedule**

Each occurrence is considered one day and/or one location unless otherwise stated.

**Violation Type**

**Category I**

**Description:** Failure to display a S/FMNP Accepted Here sign at public sales location. Failure to provide S/FMNP training and/or information to the public when requested.

**State Agency Action/Penalty:** Violation will result in verbal or written warning, with corrective action requested. The farmers' market manager may be required to participate in special training to resolve the violation.

**Violation Type**

**Category II**

**Description:** Two Category I violations. Providing false information on the Farmers' Market Application which did not result in incorrect eligibility and/or authorization. Failure to provide updated sales location information by the annual deadline. Failing to participate in annual training.

**State Agency Action/Penalty:** Violation will result in a written notification of noncompliance from the State Agency. The farmers' market manager may be required to participate in special training to resolve the violation.

**Violation Type**

**Category III**

**Description:** Three or more Category I violations or two or more Category II violations. Providing false information on the Farmer's Market Application which resulted in incorrect eligibility and/or authorization. Failure to meet the minimum eligibility criteria during the current market season. Discrimination, hostile actions, and/or inappropriate behavior towards of a S/FMNP shopper. Failing to cooperate in S/FMNP monitoring. Noncompliance with requirements not specifically identified as a Category I, II or IV violation.

**State Agency Action/Penalty:** Violation will result in termination of Farmers' Market Agreement and disqualification from the FMNP and SFMNP for a full market season. Farmers' market will need to reapply for authorization after suspension. Program staff may notify the Alaska Business License office of any farmers' market operating without a valid business license.

**Violation Type**

**Category IV**

Two or more category III violations. Committing S/FMNP fraud or abuse including providing drugs, weapons, alcohol, or cash to a customer in exchange for program benefits. Continuing to participate during suspension or disqualification.

**State Agency Action/Penalty:** Violation will result in agreement termination and disqualification for a period of three full seasons. Fraud, abuse, and/or the sale of drugs, weapons, and/or alcohol may be reported to the police or federal government for further investigation or disciplinary action.



State of Alaska Department of Health  
 Division of Public Health – WIC FMNP & SFMNP  
 PO Box 110612  
 Juneau, Alaska 99811-0612  
 Fax (907) 465-3416  
 Email: [doh.dpa.wic.vendor@alaska.gov](mailto:doh.dpa.wic.vendor@alaska.gov)

# Check Appeal Request Form

Mail, email, or fax completed form to the address above. All fields must be completed legibly. If form is found to be incomplete or illegible it will not be processed. Please keep a photocopy of all items mailed. Complete forms will be processed within 30 days of receipt. Notifications related to requests will be communicated via email to allow for timely results. For questions, contact the Alaska WIC Program at (907) 465-3100 or at [doh.dpa.wic.vendor@alaska.gov](mailto:doh.dpa.wic.vendor@alaska.gov)

The State of Alaska WIC and Senior Farmers’ Market Nutrition Programs (SFMNP and FMNP) are not responsible for any bank charges, returned checks or other fees charged to the vendor that result from the non-payment of SFMNP and/or FMNP checks. Vendors may not recover any bank charges from SFMNP and/or FMNP, or from WIC participants or their proxies.

## Farmer Vendor Information

Farmer Name: \_\_\_\_\_ Farm Number: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_

## Check Information:

**Print Legibly. Attach additional pages if needed.**

Check Number:	Check Value Amount:	List Reason(s) check should be paid:
_____	_____	_____
_____	_____	_____
_____	_____	_____

## STATE OF ALASKA OFFICE USE ONLY

Incomplete, missing information: \_\_\_\_\_

Denied       Approved, bank notice sent on: \_\_\_\_\_

Payment Justification Notes: \_\_\_\_\_

Staffer Name: \_\_\_\_\_

Date: \_\_\_\_\_ This

institution is an equal opportunity provider.

Form Revised February 2023





**Farmer Market (FMNP) and  
Senior Farmers Market (SFMNP) Nutrition Programs  
Approved Food List**

**ELIGIBLE FOODS:** The following fresh fruits, vegetables and fresh-cut herbs are allowed.

**Fruits**

Apple  
Haskaps  
Raspberry  
Cherry Honeyberry  
Strawberry

Currant  
Huckleberry  
Melon  
Gooseberry  
Lingonberry

**Vegetables**

Artichoke  
Collard  
Mustard Green  
Spinach  
Arugula  
Corn  
Onion  
Sprout  
Asparagus  
Cucumber  
Parsnip  
Squash  
Baby Greens  
Egg Plant  
Peas  
Swiss Chard  
Beet

Endive  
Pepper  
Taro  
Bok Choy  
Garlic  
Potato  
Tatsoi  
Broccoli  
Good King Henry  
Pumpkin  
Tomatillo  
Brussel Sprouts  
Green Beans  
Green Onion  
Radicchio  
Tomato  
Cabbage

Kale  
Radish  
Rhubarb  
Turnip  
Carrot  
Kohlrabi  
Romanesco  
Watercress  
Cauliflower  
Leeks  
Rutabaga  
Zucchini  
Celery  
Lettuce  
Snap Bean

**Fresh Cut Herb**

Basil  
Lavender  
Rosemary  
Stevia  
Chamomile  
Lovage  
Sage  
Tarragon

Chives  
Marjoram  
Savory  
Thyme  
Cilantro  
Mint  
Scallions  
Dill

Oregano  
Sorrel  
Fennel  
Parsley  
Spearmint

**OTHER**

Honey (SFMNP Only)

**INELIGIBLE FOODS:** The following are **not** allowed for purchase with program benefits:

Fruits & vegetables processed beyond natural state  
Nuts, seeds, fruit leathers & fruit roll-ups  
Fruits & vegetables with added sugars, fats, or oils  
Eggs, meat, cheese, & seafood  
Frozen fruits, vegetables, and herbs Diced, shredded, sliced, chopped fruits and vegetables

Dried fruits & vegetables, syrups, cider, honey\*  
Canned & dried mature legumes  
Vegetable-grain & fruit mixtures  
Potted starts, plants, flowers, & herbs  
\*Alaskan honey may be purchased with SFMNP checks only.



## **Alaska WIC Administrative Review Process**

Authorized WIC vendors have the responsibility to comply with WIC program regulations, policies and procedures. As indicated in the Vendor Agreement, the State Agency may impose sanctions on vendors for non-compliance. These sanctions range from a warning letter to permanent disqualification from participation in the WIC program. Refer to Section 3.0 of the Vendor Agreement and Chapter 6 of the Vendor Manual for a full description of the sanctions. Vendor's Right to Administrative Review.

The Local Agency and/or State Agency must provide written notice of any adverse action taken against a vendor. The notice must specify the action being taken, the effective date of the action, the reasons for the actions, and explain the vendor's right to an administrative review and the procedures to follow to obtain an administrative review. Notice must be given prior to an adverse action being taken; with the exception of disqualification due to conviction of trafficking WIC food instruments.

### **A. Effective Date of Adverse Actions against Vendor.**

The State Agency must make adverse actions effective no earlier than 15 days after the date of the notice of adverse action and no later than 45 days after the date of notice of adverse action or, in the case of an adverse action that is subject to administrative review, no later than the date the vendor receives the review decision. Decisions rendered under the administrative review procedures are the final state agency action. If a decision is rendered as a result of a hearing and the vendor expressed an interest in pursuing a higher review of the decision, the State Agency shall explain the right to pursue the judicial review of the decision. Alaska statutes allow individuals to file suit against the State of Alaska in District Courts.

### **B. Requesting an Administrative Review**

A vendor wishing to appeal an adverse action must submit a written request for a review of the action. The request must be made within fifteen (15) days of receipt of the notice of adverse action. The request for review must state the reason(s) for the request and include any supporting information or documentation. The requestor should also specify the level of review sought, as described in Section C, Parts 1 and 2, below. Requests for administrative review should be addressed to:

Director  
Division of Public Assistance  
P.O. Box 110640  
Juneau, AK. 99811-0640

Appealing an action does not relieve the food vendor of responsibility for continued compliance with the terms of any written agreement or contract with the State Agency or Local Agency.

Participating vendors who are disqualified from the program must reapply for authorization to participate.

Vendor applicants who are denied participation at application may appeal the denial, but shall not participate in the program while awaiting decision.

The State Agency shall not deny or dismiss a request for an administrative review unless:

- The request is not received in writing by the State within the time limit of 15 days from receipt of the notice of adverse action.
- The request is withdrawn in writing by the appellant or representative.
- The appellant or a representative fails, without good cause, to appear at any scheduled hearing.
- The request for review is regarding an adverse action that is not subject to administrative review.

When a vendor is disqualified due in whole or in part to violation in 7 CFR 246.12(l) (1), such notification must include the following statement: "This disqualification from WIC may result in disqualification as a retailer in the Supplemental Nutrition Assistance Program (SNAP). Such disqualification is not subject to administrative or judicial review under the Alaska WIC Program."

## **C. Administrative Review Levels**

### **1. Informal Review by Director, Division of Public Assistance**

The vendor submits a written request for an administrative review of the decision. The vendor may request an abbreviated review by the Director of the Division of Public Assistance or an administrative hearing. The request should include the requestor's name, mailing address, telephone number, and email address, if any, and it should also:

- a. Identify the specific decision requested to be reviewed; and
- b. State in clear and concise terms the reason for the request and
- c. The reason(s) why the adverse action should be reversed, and include any supporting documentation.
- d. The State Agency replies in writing to the requesting party either denying the review and stating the reason for denial, or allowing the administrative review to proceed.

If the requesting party has requested an abbreviated review, the Director of the Division of Public Assistance notifies the requesting party of the schedule for the abbreviated review and when a decision will be made. Written notification of the review decision, including the basis for the decision will be provided to the vendor. The written notification need not amount to a full opinion or contain formal findings of fact and conclusions on law. The written notification should be provided within 90 days from the date of receipt of a vendor's request for an administrative review. This time frame is only an administrative requirement for the State Agency and does not provide a basis for overturning the State Agency's adverse action if a decision is not made within the specified time frame.

### **2. Administrative Hearing**

If the requesting party requests an administrative hearing, the Director notifies the requestor at least 15 days in advance of the time and place of the pre-hearing conference or administrative hearing. The administrative hearing will be conducted according to the provisions of the Alaska Administrative Procedure Act, AS 44.62.330-630.

As part of the administrative hearing, the State Agency must provide the vendor with the following:

- a) The opportunity to appeal the adverse action within a time period specified by the State Agency in its notification of adverse action;
- b) Adequate advance notice of the time and place of the administrative hearing to provide all parties involved sufficient time to prepare for the hearing;
- c) The opportunity to present its case and at least one opportunity to reschedule the administrative hearing date upon specific request;
- d) The opportunity to cross examine adverse witnesses;
- e) The opportunity to be represented by counsel if desired;
- f) The opportunity to examine, prior to the hearing, the evidence upon which the State Agency's action is based;
- g) An impartial decision-maker whose determination is based solely on whether the State Agency has correctly applied federal and State statutes, regulations, policies, and procedures governing the program, according to the evidence presented at the administrative hearing; and
- h) Written notification of the hearing decision, including the basis for the decision. The written notification need not amount to a full opinion or contain formal findings of fact and conclusions on law. The written notification should be provided within 90 days from the date of receipt of a vendor's request for an administrative review. This time frame is only an administrative requirement for the State Agency and does not provide a basis for overturning the State Agency's adverse action if a decision is not made within the specified time frame.

## **D. Adverse Actions Subject to Administrative Review**

**Adverse Action:** The denial of authorization to become a WIC vendor based on:

- The vendor selection criteria for competitive price;
- The vendor selection criteria for minimum variety and quantity of authorized supplemental foods;
- The determination that the vendor is attempting to circumvent a sanction;
- A State Agency-established vendor selection criteria if the basis of the denial is a WIC vendor sanction or the Alaska Supplemental Nutrition Assistance Program withdrawal of authorization or disqualification;
- The State Agency's vendor limiting criteria.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

Allowed

**Adverse Action:** The denial of authorization to become a WIC vendor based on the vendor selection for criteria for a current Alaska Supplemental Nutrition Assistance Program disqualification or CMP\* for hardship.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

NOT Allowed

**Adverse Action:** The termination of a current WIC Vendor contract for cause.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

Allowed

**Adverse Action:** The termination of a current WIC Vendor contract because of a change in ownership or location or cessation of operations.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

NOT Allowed

**Adverse Action:** The disqualification of a current WIC vendor based on the imposition of a CMP in lieu of disqualification based on a Alaska Supplemental Nutrition Assistance program disqualification.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

NOT Allowed

**Adverse Action:** The disqualification of a current WIC vendor based on the disqualification or CMP in lieu of disqualification based on a mandatory sanction imposed by another WIC State Agency.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

NOT Allowed

**Adverse Action:** Application of peer group criteria.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

NOT Allowed

Adverse Action: The imposition of a fine or CMP in lieu of disqualification.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

NOT Allowed

Adverse Action: Above 50% status determination.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

NOT Allowed

Adverse Action: The disqualification of a current WIC vendor for cause.

**Administrative Review by DPA Director**

Allowed

**Administrative Hearing**

NOT Allowed

**\*CMP = Civil Money Penalty, similar to a fine.**

**E. Adverse Actions Not Subject to Administrative Review**

- The vendor selection criteria for business integrity;
- The validity or appropriateness of the State Agency's vendor limiting or selection criteria;
- The validity or appropriateness of the State Agency's client access criteria and client access determinations;
- The State Agency's determination whether a vendor had an effective policy and program in effect to prevent trafficking and that the ownership of the vendor was not aware of, did not approve of, and was not involved in the conduct of the violation;
- The disqualification of a current WIC vendor based on a trafficking conviction;
- The expiration of a vendor's contract;
- Disputes regarding food instrument payments and vendor claims (other than the opportunity to justify or correct a vendor overcharge or other error, as permitted by 7 CFR 246.12(k)(3));
- The State Agency's determination whether to notify a vendor when an investigation reveals an initial violation for which a pattern of violations must be established in order to impose a sanction; and
- The State Agency's determination to include or exclude an infant formula manufacturer, wholesaler, distributor, or retailer from their list.