

Maine Center for Disease Control and Prevention Women, Infants, and Children Nutrition Program Farmers' Market Nutrition Program

Effective: October 1, 2011
Revised: January 14, 2022

Policy No. FMNP-5

Farmer Sanction System

Authority

7 CFR §246.12(v) and §248.4(a)(10)(iv);
22 MRSA §255 and §195

Policy

1. The Maine Center for Disease Control (CDC) Women, Infants, and Children (WIC) Nutrition Program may initiate administrative action to disqualify a farmer for non-compliance based on violations of the Farmer Agreement.
2. The following are considered violations of the Farmer Agreement:
 - 2.1. Providing cash in exchange for WIC and/or FMNP benefits.
 - 2.2. Contacting a WIC customer in an attempt to recover funds for WIC and/or FMNP benefits not reimbursed or for which repayment was requested.
 - 2.3. Selling anything that is not Approved Fruit and Vegetable in exchange for WIC and/or FMNP benefits.
 - 2.4. Charging sales tax on a WIC and/or FMNP benefits purchases.
 - 2.5. Providing cash change during a WIC and/or FMNP purchase.
 - 2.6. Requiring a WIC customer to purchase all food listed in their WIC and/or FMNP benefit.
 - 2.7. Charging WIC and/or FMNP for Maine bag fees.
 - 2.8. Requiring WIC customer to make a cash purchase or a minimum purchase to transact a WIC and/or FMNP purchase.
 - 2.9. Failing to display an eWIC Accepted Here signage at sales location.
 - 2.10. Failure to label any locally grown fruits or vegetables, the produce must be clearly labeled as to the grower (if not by you), location grown, and price.
 - 2.11. Failure to provide equitable treatment to WIC and/or FMNP customers including the availability of produce that is of the same quality and cost as that sold to other customers.
 - 2.12. Not allowing a split tender transaction whereby a WIC customer may purchase fruits and vegetables over the WIC and/or FMNP benefit amount and pay remaining balance with another form of tender.
 - 2.13. Failure to allow monitoring of the farm stand, farmers' market booth, or farm by WIC staff.
 - 2.14. Failure to provide WIC and/or FMNP benefits records for review when requested.
 - 2.15. Refusing to accept a valid WIC and/or FMNP benefits from a WIC customer.

- 2.16. Providing Approved Fruit and Vegetable that would present a clear health problem in exchange for WIC and/or FMNP benefits.
- 2.17. Failing to train all employees who handle WIC and FMNP transactions and ensuring their knowledge regarding WIC and FMNP procedures set forth in training materials and manuals provided by the State Agency.
3. The following are consequences of violations listed above:
 - 3.1. First violation – The farmer will be given a written warning letter that includes a notice of violation and a requirement to attend training.
 - 3.2. Second violation– (within one year of first violation) Farmer will receive a written notice of violation that includes a requirement to establish a corrective action plan to be approved by the State Agency. Failure to submit a corrective action plan will result in disqualification for the next season.
 - 3.3. Third violation– (within one year of the first violation) Farmer will be disqualified for the next season.
4. Other disqualifications include:
 - 4.1. The State Agency shall disqualify a farmer who has been disqualified from SNAP. The WIC disqualification shall be for the same length of time as the SNAP disqualification, and the WIC disqualification may begin at a later date than the SNAP disqualification. This disqualification shall not be subject to appeal.
 - 4.2. The State Agency shall disqualify a farmer who has been assessed a civil money penalty for hardship in SNAP under 7 CFR 278.6. The length of disqualification shall correspond to the period for which the farmer would otherwise have been disqualified in SNAP.
5. A farmer committing fraud or abuse of the WIC and/or FMNP Programs shall be liable to prosecution under applicable federal, state or local laws.

Procedures

1. For all violations for which action shall be taken by the State Agency, written notices of violation shall be issued that include a description of the violation, the action to be taken, and the right to appeal within 30 days of findings .
2. When an investigation reveals an initial incidence of a violation for which a pattern of incidences must be established in order to impose a sanction, the State Agency shall notify the vendor in writing before another such incidence is documented, unless it determines, in its discretion, on a case-by-case basis, that notifying the vendor would compromise an investigation. Such a determination shall be documented in the vendor’s file.