Senior Farmers Market Nutrition Program
and Farmers Market Nutrition Program
Emily Carpenter | January 2020
The Senior Farmers Market Nutrition Program and Farmers Market Nutrition Program are both administered by the USDA.

- The SFMNP was created in the 2002 Farm Bill
- The FMNP was created in 1992 and operates similarly to the SFMNP. This program does require the state to provide a 30% match of administrative funds.

The Senior Farmers Market Nutrition Program serves low income adults over the age of 60 while the Farmers Market Nutrition Program serves women and children receiving WIC program benefits.
• To provide low income seniors the resources to purchase fresh, nutritious, unprepared, locally grown fruits, vegetables, cut herbs, and honey from direct marketing farmers at farmers markets and roadside stands

• To increase the consumption of locally grown fresh fruits, vegetables, cut herbs, and honey (SFMNP only)
  • Locally grown is defined as grown in the State of Kansas or a bordering county in Oklahoma, Colorado, Nebraska, or Missouri

• To develop or aid in the development of new farmers markets and roadside stands or to help support existing farmers markets, and roadside stands
Program Coverage Area in 2019

Key Takeaway!

List all of the locations that you sell on your Farmer Agreement so that we can make sure to distribute checks in every area that has farmers available to accept them.
To protect and improve the health and environment of all Kansans

Program Administration

• Senior Farmers Market Nutrition Program
  • Bureau of Health Promotion partners with local agencies to distribute benefits
    • Regional AAA Organizations
    • County Senior Centers
    • Health Departments
    • Food Banks
    • County Extension
    • Local non-profits

• Farmers Market Nutrition Program
  • Bureau of Health Promotion will operate this program with the assistance of
    • Kansas State Research and Extension – SNAP Ed and EFNEP
    • State WIC program
    • Local WIC Clinics
Functions of the State and Local Agencies

- Write the State Plan!
- Identify eligible participants for both programs.
- Process applications, and distribute checks.
- Provide nutrition education.
- Promote both programs through PSAs, social media, online ads, outreach to social services and extension offices.
2019 Program Summary

- $135,919.42 dollars went directly to checks for food and produce bundles for seniors.
- Over 6,200 Seniors received checks or participated in the bundle program in far Western Kansas.
- 257 farmers authorized to accept checks.
- Local Agencies covering about 60 counties distributed checks to low-income seniors.
The benefit level provided to participants of the SFMNP and FMNP is different in 2020, seniors will receive $35 dollars per eligible participant while FMNP participants will receive $30.

- These are individual benefits (e.g. more than one person from a household may qualify)

- These benefits are distributed in one book of checks (7, $5 checks for seniors and 6 for FMNP).

- Participants are allowed to designate a proxy to spend their checks when they are unable
Designated Proxy

- Seniors and parents applying for the FMNP for their child can designate a proxy to spend the benefit checks on the behalf of the beneficiary.
- Seniors/parents sign a form designating a proxy when they apply for checks
- The proxy may be a family member, neighbor, or friend of any age
- The proxy CAN sign their own name on the check, they do NOT need to sign the senior/child name.
- The proxy does NOT need to show ID at the point of sale.
Eligible Food Choices

• SFMNP/FMNP
  • Fresh, nutritious, unprepared, locally grown fruits, vegetables, and cut herbs
  • Eligible foods may not be prepared beyond their natural states (beyond harvesting/cleaning processes)

• To review, locally grown for this program is defined as grown in the State of Kansas or in a county bordering the state line in Missouri, Oklahoma, Colorado, or Nebraska
Eligible Fruits and Vegetables

• Below is an itemized list of eligible foods that may be purchased with Kansas Senior Farmers Market Nutrition Program or WIC Farmers Market Nutrition Program benefits:

  • Salad greens, herbs, spinach, green onions, turnips, radishes, beets, strawberries, peas, rhubarb, asparagus, bok choi, broccoli, potatoes, cabbage, carrots, garlic, cucumbers, onions, beans, peaches, eggplant, corn, tomatoes, blueberries, summer squash, hot peppers, sweet peppers, okra, raspberries, blackberries, basil, apples, melons, eggplant, edamame, sweet potatoes, winter squash, local Kansas honey (SFMNP only) and any other whole fresh fruit or vegetable *grown in Kansas*. 
What About Honey?

- Honey is eligible for purchase through the **SFMNP ONLY**, it is not eligible for the FMNP.

- Honey vendors who do not also sell fresh fruits, vegetables, or cut herbs will only be authorized to participate in the SFMNP.

- **REMINDER**: only pure, unaltered honey is an eligible product. Creamed, whipped, flavored, herb infused or otherwise processed honey is ineligible for purchase through the SFMNP.
Ineligible Items

- Non – locally grown fruits (e.g. California Figs, Washington Apples)
- Dried Fruits/Vegetables (e.g. prunes, raisins, peppers, sun-dried tomatoes, etc.)
- Potted fruit/vegetable plants (including herbs)
- Wild Rice
- Cider
- Seeds

- Eggs
- Meat
- Cheese
- Seafood
- Nuts
- Grains
- Maple Syrup
- Popcorn
Farmer Requirements

1. Participate in an interactive training in-person, online, or over the phone*.

2. Complete the Certified Farmers Agreement (either on the website or on paper).
   • Renew the Certified Farmer Agreement **annually**.
   • Agreements are valid January 1, 2020 – November 30, 2020.

3. Only one agreement per farm is required.
   • All employees should be trained on eligible/ineligible items.
     The agreement signatory is responsible for any violations made under their vendor ID number!
Farmer Requirements

• Sell only eligible foods in exchange for the checks!
• Only accept checks from June 1 – November 1, 2020
• Treat all KSFMNP or FMNP participants equitably and kindly!

• Provide foods that are of the same quality and cost as those sold to other customers
  • Sales tax
  • Spending the full five dollars
  • Price labeling
So what about the sign?

Due to the addition of the FMNP there will be two versions of the “Checks Accepted Here Sign”
SFMNP only and combined SFMNP/FMNP
Check Use

• SFMNP/FMNP Checks work just like a standard check

• Checks must be deposited into your bank account ASAP!
  • Depositing checks as soon as possible would allow me to serve more seniors….

• Checks may be deposited at any financial institution*.
  • *Banks/tellers that are unfamiliar with the program may refuse them initially. Please provide them with the Bank Letter and my contact information

• Senior and farmer MUST both sign the check
  • If the senior signature is missing call me before you have deposited the check!

• Stamp the check with your ID number or write the ID number in the appropriate box.
• Nov. 15 is the deadline to deposit checks, checks deposited after Nov. 15 will be denied!

**PLEASE**

Do not wait until the last minute to deposit checks!

• The check will be denied if:
  1. Number is missing or unreadable and I am not able to figure out who the check belongs to.
  2. Signature is missing.
  3. Deposited after November 15th.
Check Use

• If a check is denied, you are responsible for returned check fees, if any are assessed.

• Checks may be resubmitted for payment in the event that it can be properly and legally corrected, for example:
  • If the farmer signature is missing, sign the check and redeposit
  • If the ID number is missing, enter the ID number and redeposit
  • If the senior signature is missing, call the KSFMNP/FMNP Coordinator!

• KDHE may deny payment for improperly deposited checks and may require refunds.
Example Check

Kansas 2019 Senior Farmers Market Nutrition Program

Pay to the order of authorized Kansas Farmers Market Farmer

Farmer must deposit by November 15, 2019.

NOT VALID AT GROCERY STORES

Good for the purchase of fresh, locally grown vegetables, fruits, cut herbs, and honey from a KSFMNP Farmer. Any other use constitutes fraud.

FARMER NUMBER HERE

Valid Dates of Use

June 1, 2019 - November 1, 2019

Some markets may close earlier

Not to exceed $6.00

$ 5.00

No change given

Prints Black & 311 Seal.

To protect and improve the health and environment of all Kansans
KSFMNP and FMNP checks cannot be deposited after November 15th of 2020. So, if you see a check this color or with a 2019 date do not accept! It will be automatically denied.
Don’t forget to endorse the back of the check!
Checks in 2020

SFMNP

FMNP

To protect and improve the health and environment of all Kansans
Sales Tax

• Farmers cannot:
  • Collect sales tax on KSFMNP/FMNP check purchases
  • Seek restitution from KSFMNP/FMNP participants for checks not paid or rejected at deposit

• Farmers must claim sales made in exchange for KSFMNP checks
  • You will receive a sales tax deduction for sales made to account for not charging KSFMNP customers sales tax

• For more information about how to correctly report sales tax please contact:

Lisa Leikam Jones
Cash, Change, Refunds

- Checks cannot be exchanged for cash

- Change, credit and/or refunds may not be issued on items purchased with KSFMNP checks

- Authorized farmers are prohibited from cashing checks accepted by a non-certified farmer.
Program Violations

Class I Violation

• Negotiating KSFMNP checks without a valid identification number stamped in the appropriate box

• Failure to display the “Senior Farmers Market Nutrition Program Checks Accepted Here” sign.

• **Sanction:** Class I violation will result in a “warning” letter from the SFMNP/FMNP Coordinator
Program Violations

Class II Violation

• Accepting SFMNP/FMNP checks for ineligible items
• Discriminating against a KSFMNP customer
• Two (2) Class I violations within a season

• Sanction: Class II violation will result in a “non-compliance” letter from the SFMNP/FMNP Coordinator to the farmer. Technical assistance will be provided by telephone with a verbal test of information provided.
Class III Violation

- Providing drugs, alcohol, or cash in exchange for checks
- Charging SFMNP/FMNP customers more than the current price charged other customers
- Attempting to collect sales tax from a SFMNP/FMNP customer
- Providing change back to customers for purchases where the amount of the purchase is less than the value of the check(s)
- Two (2) Class II violations within a season
Class III Violation

**Sanction:** Class III violation results in the farmers suspension from the SFMNP/FMNP.

**Suspension:** The length of suspension for a first time offense is dependent on the violation. A second offense in the same growing season will result in suspension for the rest of the growing season. A farmer who is suspended must reapply to participate in the SFMNP/FMNP.
What is Discrimination?

- Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on a protected class.
Civil Rights

- Participants in the SFMNP/FMNP should not be discriminated against on the basis of:
  - Race
  - Color
  - National Origin
  - Age
  - Sex
  - Disability

- No person, shall, on the grounds of race, color, national origin, age, sex, or disability be excluded from participation, be denied benefits, or be otherwise subjected to discrimination under the SFMNP/FMNP
Civil Rights Complaints

• Farmers and seniors have the right to file a civil rights complaint
• Complaints must be filed within 180 days of discovery of the discrimination.
  • Verbal
  • Written
  • Anonymously
• Complaints are forwarded to the USDA and investigated by the USDA and Program.
Civil Rights Complaints

• Information needed:
  • Complainant’s name, address, phone
  • Location where discrimination occurred
  • Description of the incident
  • Basis for the claim (protected class)
  • Names of any witnesses
  • Date(s) when action(s) occurred

• The USDA discrimination complaint form can be found here.
Aspects of Civil Rights Compliance:

- Collection and Use of data
- Effective public notification systems
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Verification of citizenship and immigration status
- Conflict resolution
- Customer Service
Conflict Resolution and Customer Service

- Seniors will often be confused or forget the rules for using their SFMNP checks. Please be patient!
  - If a product is not eligible for purchase with a SFMNP/FMNP check explain why
  - Show the senior/FMNP participant that eligible products are listed on their check
  - Help the senior/FMNP participant spend the full $5 check – this may mean selling a partial box
  - Make sure you do NOT charge SFMNP/FMNP participants sales tax
  - Be kind!
  - Make sure all employees are familiar with how the SFMNP/FMNP programs work
Federal Relay Service

- Individuals who are deaf, hard of hearing, or have speech disabilities may contact the USDA through the Federal Relay Service at:
  - (800) 877-8339 (English)
  - (800) 845-6136 (Spanish)
Due Process

• The State of Kansas will follow the Administrative Procedure act to allow for due process to SFMNP/FMNP local agencies, SFMNP/FMNP authorized farmers, and SFMNP/FMNP participants

• Expiration of the Agreement with the farmer and claims actions under the KSFMNP rules and regulations is not appealable
If a violation is found that leads to a suspension/disqualification from participating....You do have the right to appeal,

- You must make written request for an administrative appeal to KDHE.
- The appeal must be made within 30 days of the receipt of the certified mail notification of suspension/disqualification.
- The Office of Administrative Hearings will set a date and location for the hearing within 15 days of the appeal being filed.
- Farmer will receive written notice of time and place at least 30 days prior to the date of the hearing.
- Farmer has one opportunity to reschedule the hearing.
- Farmer can examine, prior to and during the decision, the documents and records that support the decision under appeal.
• KDHE will provide the farmer with written notification of adverse action, the cause of adverse action, and effective date of the action and an opportunity for a fair hearing.
  • The hearing official will be an impartial party, not directly associated with the program in question.

• Notification will be provided at least 15 days before the effective date of the action.
At a minimum, the farmer has the opportunity to:

- Present their case.
- Question or disprove any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.
- Be represented by counsel.
- Bring witnesses.
- Review the case record prior to the hearing.
- Submit evidence to establish all pertinent facts and circumstances in the case.
- Advance arguments without undue interference.
- An adverse action, at KDHE’s option, may be postponed until a decision in the appeal is rendered.
- A postponement is appropriate where KDHE finds that participants could be unduly inconvenienced by the adverse action.
The decision of the official is given to the farmer within 15 days of the date of the hearing or within 60 days from the date of receipt of the request for a hearing by KDHE.

If dissatisfied with the hearing decision, the farmer may appeal to KDHE for further state level review of the decisions and a possible rehearing.

This appeal must be made within 15 days of the contested decision of the previous hearing.

The same procedures outlined previously are followed.

If a farmer appeals an adverse action (and is permitted to continue in the program while the appeal is pending) he/she will continue to be responsible for compliance with the terms of the written agreement.
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Farmer Agreement

• All farmers NEW and RETURNING must submit the annual Authorized Farmer Agreement.

• The agreement is:
  • A legally binding agreement that the farmer will agree to abide by all rules and regulations of the SFMNP/FMNP.
  • A contact information update sheet.
  • A farmers market tracking tool.
  • A “Checks Accepted Here” sign order form.

• Agreements must be submitted online at http://www.kdheks.gov/sfmnp/farmers.htm

• Submission deadline: June 1st, 2020

• Only one agreement is needed per farm – you are welcome to list multiple business partners on the name line.
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- Please make certain you update your contact information
  - Needed if there are banking issues
- Pay close attention to the general information, those questions have changed since last year!
  - All Farmers that are selling in Wyandotte, Sedgwick, Johnson, Shawnee, Riley, Geary, Allen, and Crawford will need new signs to account for the new program!

### 2020 Authorized Farmer Agreement

#### Contact Information
- **Farmer Name:**
- **Business Name:**
- **Mailing Address:**
  - **City:**
  - **State:**
  - **Zip:**
- **Email:**
- **Telephone:**

#### General Information
- **Did you attend a KEHEI hosted, interactive training in 2020?**
  - Yes or No (Circle one)
- **Did you review the slides and/or listen to the recorded webinar?**
  - Yes or No (Circle one)
- **Is this your first year participating in the SFMP?**
  - Yes or No (Circle one)
- **Is this your first year participating in the FMNP?**
  - Yes or No (Circle one)
- **If you are a returning Farmer, what is your FMNP ID Number?**
- **Do you have at least one KEHEI issued sign?**
  - Yes or No (Circle one)

### Instructions
- **How many SFMP-only signs do you need?**
  - Please be notified by county vaccine numbers and vaccine tiers without FMNP!
- **If you do not live or sell in a county that has the FMNP program (in addition to the SFMP), both listed or page 1 please do not request coordinated signs.**

### 2020 Authorized Farmer Agreement
Be prepared with the names and addresses of the farmers markets and/or roadside stands where you will sell in 2019.

- Provide your best projection
- If you change markets or add new ones during the season it is okay
- Reporting changes is encouraged as the change in markets can be communicated to seniors only if we are notified

2020 Authorized Farmer Agreement
Farmer Agreement

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• Read through the rules and regulations for the SFMNP and FMNP

• Remember to sign!
Key Takeaways!

• Complete the 2020 Certified Farmer Agreement by June 1, 2020
• Display the “Checks Accepted Here” sign at all times
• Sell only eligible foods in exchange for SFMNP/FMNP checks
• Only take checks during the dates indicated on the checks (June 1-November 1)
• Stamp every check with your ID number
• Make sure every check is signed by the senior
• Endorse the back of every check with your signature
• Deposit checks into your bank account by November 15, 2020
If you need assistance…

• Local public library staff will often help you get set up for a webinar or provide assistance in downloading documents.

• Feel free to contact the SFMNP/FMNP Coordinator.

• Questions?
Contact Information

Thank you/Questions

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