

WAC 246-770-030 Farmers' market and farm stand basic food incentives. (1) To become authorized to offer basic food incentives, a farmers' market or farm stand must:

(a) Be in good standing with the United States Department of Agriculture as an authorized farmers' market or farm stand that can accept SNAP benefits through electronic benefit transfer;

(b) Provide documentation to the department showing United States Department of Agriculture approval to accept SNAP benefits;

(c) Apply as a farmers' market or farm stand on a form determined by the department including documentation demonstrating that the farmers' market or farm stand applicant meets the following criteria:

(i) Have a designated staff member on-site during operating hours that has completed all required basic food incentive training;

(ii) Have days and times posted for operating hours; and

(iii) Have at least one vendor selling fresh fruits and vegetables.

(d) Execute a contract with the department.

(2) The department is not required to authorize all applicants. Selection is based on available funding and community needs and preferences.

(3) An authorized farmers' market or farm stand must reapply at the end of the contract period; however, neither the department nor the participant has an obligation to renew a contract.

(4) Authorized farmers' markets and farm stands must, at a minimum:

(a) Comply with the basic food incentives requirements and the terms of their contract;

(b) Accept annual training and other technical assistance on basic food incentives requirements from department staff;

(c) Provide training to employees and volunteers on basic food incentive requirements including, but not limited to, eligible foods, distribution and redemption procedures, data tracking, evaluation requirements, and fiscal recordkeeping;

(d) Be accountable for the actions of employees and volunteers;

(e) Ensure basic food incentives are only redeemed for eligible foods;

(f) Comply with federal and state nondiscrimination laws;

(g) Ensure that participants receive the same courtesies as other customers;

(h) Promote the availability of basic food incentives with materials provided by the department;

(i) Promptly provide the department, upon request, with any information it has available regarding its participation in basic food incentives;

(j) Allow the department to share information about the farmers' market or farm stand related to basic food incentives with program partners and in public reports;

(k) Allow the department to monitor the farmers' market for compliance with basic food incentive requirements and fiscal recordkeeping;

(l) Notify the department immediately if the farmers' market's operations cease; and

(m) Comply with department instructions and guidance with respect to the program.

(5) Authorized farmers' markets or farm stands that do not comply with requirements of this chapter are subject to termination of their contract. Such noncompliance includes, but is not limited to:

- (a) Violating the requirements of any applicable state or federal law;
- (b) Violating any provision of the contract between the department and the authorized farmers' market or farm stand; or
- (c) Accepting basic food incentives without having a signed contract with the department.
- (6) Prior to contract termination, the department must consider whether the contract termination would create undue hardships to participants.
- (7) Trafficking in basic food incentives in any amount will result in contract termination. Farmers' markets and farm stands should ensure basic food incentives are not trafficked among any participants.
- (8) An authorized farmers' market or farm stand that has a terminated contract may reapply for reauthorization.

[Statutory Authority: RCW 43.70.780. WSR 23-16-149, § 246-770-030, filed 8/2/23, effective 9/2/23.]