



# MONTANA WIC FARMERS MARKET NUTRITION PROGRAM (FMNP)

FARMER HANDBOOK  
MAY 2025





## Dear Montana Farmer,

*Thank you for your participation in Montana WIC's Farmers Market Nutrition Program (FMNP). This is an important benefit for families participating in the Women, Infants, and Children (WIC) program, and allows them to exchange FMNP benefits for locally grown produce. The goal is to increase access to fresh and local fruits and vegetables for families while creating additional sales opportunities for farmers. WIC is one of the nation's most successful and cost-effective nutrition intervention programs, and farmers are a critical partner in that work.*

*This handbook will provide instructions on program requirements and how to conduct eFMNP transactions. If you have additional questions, reach out to the Montana WIC Program at Toll Free: (800) 433-4298 / Direct: (406) 444-5533 / Email: [wicvendor@mt.gov](mailto:wicvendor@mt.gov).*

## Program Overview

WIC is the Special, Supplemental Nutrition Program for Women, Infants, and Children and has been providing breastfeeding support, nutrition education, healthy foods, and referrals to other health programs since 1972. WIC is available to pregnant and postpartum women, infants, and children up to age 5. Participant must meet income eligibility criteria (at or below 185% fed. poverty guidelines), must be a resident of Montana, and be determined to have a nutritional risk. Families attend appointments where they are issued electronic benefits on a card and redeem those benefits at grocery stores for healthy foods.

Montana WIC also has a Farmers Market Nutrition Program (FMNP) and issues benefits that can only be used to purchase fresh produce with authorized farmers. Eligible participants are issued \$30 each, which is combined into a household total. Farmers use the electronic system to create and manage accounts and conduct app-to-app transactions with customers at the market. Eligible produce is defined on the *FMNP Allowable Food List* and includes only unprocessed fruits and vegetables grown in Montana by the authorized farmer. Baked goods, eggs, cheese, honey, nuts, and plant-starts are not allowed.

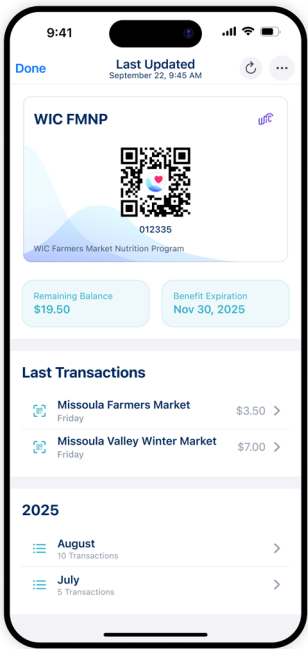
## Farmer Authorization Criteria

The WIC Program establishes uniform criteria for farmers authorized to accept FMNP benefits. Farmers must maintain these criteria throughout the term of their agreement. The WIC Program conducts periodic reviews and will terminate the agreement if a farmer no longer meets all criteria. FMNP farmer selection criteria include:

1. Authorized farmers must maintain a current email address and have access to a device (mobile or desktop) to set up and maintain an account.
  - a. Farmers are encouraged to maintain a mobile device with an iOS or Android operating system to conduct transactions and manage their accounts. If no device is present, authorized farmers may designate a cashier to do transactions on their behalf.
2. Authorized farmers must use Montana WIC's electronic system (Healthy Together) for almost all program activities, including applying to WIC, setting up an account including banking information for direct deposit, completing required training, conducting transactions, and accessing reports.
3. The majority of fruits, vegetables, and cut herbs that are sold must be grown by the authorized farmer and within the state of Montana.
4. Fruits, vegetables, and cut herbs cannot be processed beyond their natural state (aside from cleaning).
5. Authorized farmers agree not to sell any unallowable food items, as specified on the FMNP Allowable Food List.
6. Authorized farmers must display the FMNP poster, provided by the MT WIC program, at their location of sale.
7. Authorized farmers must follow FMNP program rules and procedures.
8. Authorized farmers must sign an agreement with the MT WIC FMNP program. Once the agreement is signed, an identification number will be assigned to the farmer. The agreement is renewed every three years.
9. Authorized farmers must complete an initial face-to-face training for the first year of your agreement and be able to participate in annual training for every subsequent year of this agreement.
10. Authorized farmers must provide program related information to the MT WIC FMNP program and/or the Food and Nutrition Service (FNS) upon request.
11. Authorized farmers are not allowed to operate another farmer's booth/stall/stand or booth space.
12. Authorized farmers will assure that no conflict of interest exists between the farmer and the Montana WIC program.
13. Authorized farmers will agree to comply with civil rights requirements as stated in 7 CFR 248.10(a)(6) and 248.7(a): title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Department of Agriculture regulation on nondiscrimination (7 CFR parts 15, 15a and 15b), and applicable FNS Instructions to ensure that no person shall, on the grounds of race, color, national origin, age, sex or disability, be excluded from participating as a farmer or customer.
14. The farmer will not be authorized if during the last six (6) years the farmer has been convicted of, or had a civil judgment entered against them for any activity indicating a lack of business integrity. The Department's determination of lack of business integrity includes but is not limited to fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice.
15. Authorized farmers shall have and maintain a positive compliance history with any and all USDA Food and Nutrition Services (FNS) programs in which they are or have participated.

**eFMNP Introduction**

Beginning in the 2025 market season, Montana will work with [Healthy Together](#) to launch the new electronic Farmers Market Nutrition Program (eFMNP). WIC customers will receive their benefits either through their mobile device or printed on a plastic card. Farmers will download the Healthy Together app, create an account, and set up direct deposit for payments. Farmers will conduct app-to-app transactions at the market by using their device to scan the QR code on the WIC customer's phone or card. Farmers initiate the transaction, enter the amount and location of the sale, and the customer enters their PIN for secure payment.



**Benefits of eFMNP**

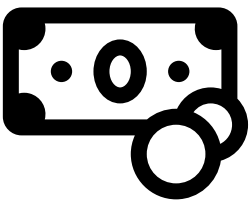
No more checks and stamps at the market



Automatic and bundled direct deposit payments to farmers



Benefits can be spent down to the penny





## eFMNP hardware requirements

Authorized farmers must maintain a current email address and/or a valid phone number that can receive text messages for account validation and have access to either a mobile device or a desktop computer to create and manage their accounts. It is strongly recommended to have a mobile device to conduct transactions at the market.

If no mobile device is present, farmers may designate a *cashier* to do transactions on their behalf.

**Mobile devices must have an iOS or Android operating system. The minimum phone operating systems include:**

- Android 7.0 - Released August 22, 2016
- iOS 17 - Released September 18, 2023

**Supported Apple devices include:**

- iPhone XS, 11, 12, 13, 14, 15, 16
- iPhone SE 2nd generation
- iPad Pro (all models)
- iPad Air (3rd generation) and later
- iPad (6th generation) and later
- iPad mini (5th generation) and later

If you are using a device not on the list, it will likely still work, but the device manufacturer cannot provide support if there are issues.

It is strongly recommended to set your device to automatic app updates so you always have the latest version of the app as new features and improvements are released.

It is also recommended to turn notifications on for this app so the farmer is made aware of actions, such as pending payouts, and other actions, such as training required.



## FMNP Season Key Dates

**May 2025** – Montana farmers can download the app and set up an account.

**June 1** (or first weekday in June) – Earliest date FMNP benefits may be issued to families, earliest day purchases may occur.

**October 31** – Season closes, last day to do eFMNP purchases

*Farmers may apply to the program, finalize agreements, and complete required training at any time during the season.*



## Poster Display

Farmers are required to post the **“Use Your eFMNP Benefits Here”** poster at all locations of sale. This poster helps FMNP customers find you by letting them know they can spend their benefits at your location. This poster must be in a highly visible location for all customers and is a program requirement that is audited during monitoring.

Posters are provided by the WIC Program after the farmer is authorized.

## Eligible Fresh Fruits & Vegetables

Farmers are responsible for ensuring only eligible fruits and vegetables are sold to FMNP customers.

A copy of the FMNP Approved Food List must be kept at each location of sale for reference.

Fruits, vegetables, and cut herbs cannot be processed beyond their natural state (aside from cleaning)

**Approved foods are locally grown, fresh,  
unprepared fruits and vegetables.**

**FRESH VEGETABLES**

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|                        |                 |                                    |
|------------------------|-----------------|------------------------------------|
| Asparagus              | Fresh Cut Herbs | Pumpkins                           |
| Beans, yellow or green | Garlic          | Radishes/Horseradishes             |
| Beets                  | Kale            | Rhubarb                            |
| Broccoli               | Kohlrabi        | Rutabagas                          |
| Brussels Sprouts       | Leeks           | Spinach                            |
| Cabbage                | Lettuce         | Squash (summer & winter varieties) |
| Carrots                | Mushrooms       | Sweet Potatoes                     |
| Cauliflower            | Mustard Greens  | Swiss Chard                        |
| Celery                 | Okra            | Tender Greens                      |
| Chinese Cabbage        | Onions          | Tomatoes                           |
| Collard Greens         | Parsnips        | Turnips/Turnip Greens              |
| Corn                   | Peas            | Watercress                         |
| Cucumbers              | Peppers         | Zucchini                           |
| Eggplant               | Potatoes        |                                    |

**FRESH FRUITS**

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|               |               |              |
|---------------|---------------|--------------|
| Apples        | Chokecherries | Peaches      |
| Apricots      | Currants      | Pears        |
| Blackberries  | Gooseberries  | Plums        |
| Blueberries   | Grapes        | Raspberries  |
| Cantaloupe    | Huckleberries | Strawberries |
| Casaba Melons | Melons        | Watermelons  |
| Cherries      | Nectarines    |              |

**ITEMS NOT ELIGIBLE FOR FMNP PURCHASE INCLUDE (BUT ARE NOT LIMITED TO):**

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|             |                            |
|-------------|----------------------------|
| Baked Goods | Honey                      |
| Cheese      | Juices                     |
| Crafts      | Nuts                       |
| Eggs        | Plants (herb or vegetable) |

# FMNP Farmer Authorization Steps



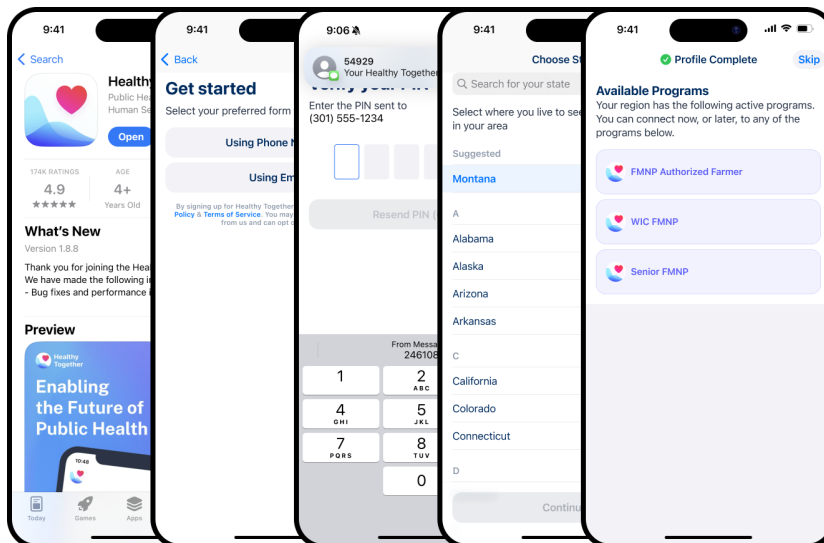
## STEP 1:

**Download the Healthy Together app and create an account.**

The app is free to download in the Apple App Store and the Google Play Store.

Use the following link to access this system from a desktop computer:

<https://app.healthytogether.co/login>

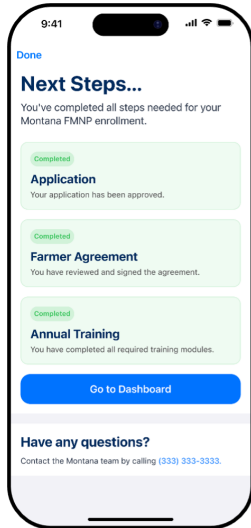


## STEP 2:

**Create an account in the Healthy Together system.**

- Download the app.
- Create an account using your phone number that can accept texts or email address.
- Verify your identity by entering the code you received through text or email.
- Select Montana from the list.
- Select FMNP Authorized Farmer from the available programs.





Once the app is set up, the farmer must do three program activities before accepting benefits:

- Apply to become a WIC FMNP authorized farmer.
- Sign a WIC FMNP program agreement.
- Complete annual training.

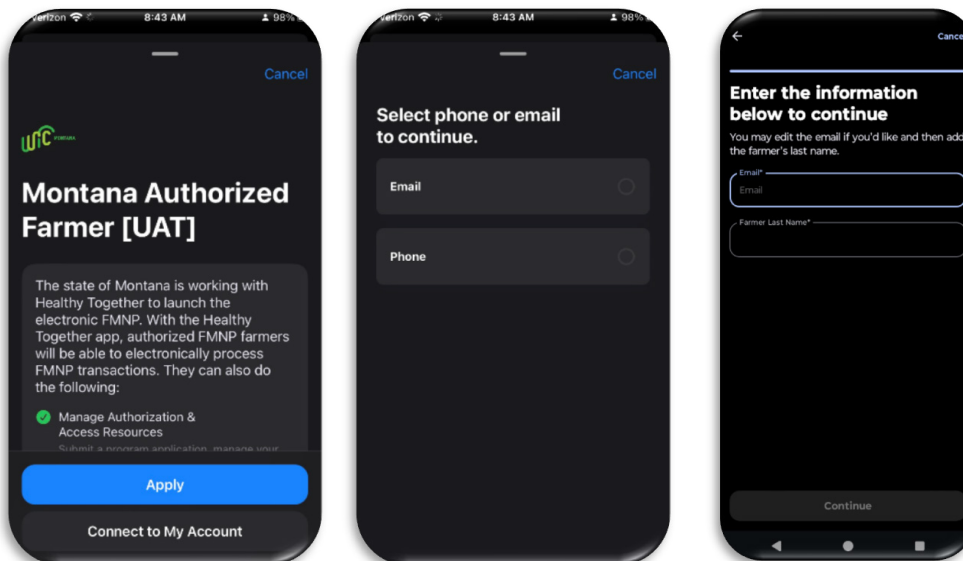
### STEP 3:

**Connect to an existing account or apply to be an FMNP farmer.**

Only farmers with current WIC FMNP agreements will connect to their accounts using phone or email, and the farmer's last name.

They will then be directed to sign an amendment to their existing WIC FMNP agreement which includes the terms of the new system.

All other farmers will submit a program application (even if they have been on the program in the past).



9:41

Close

## Before you continue with the application

By continuing with the MT Farm Direct application you understand and agree to the following items:

- eFMNP System Requirements**
  - The farmer must maintain a mobile device with iOS or Android operating system and a current email address.
  - The farmer must use the Montana WIC electronic system for all program activities, including applying to WIC, setting up an account including banking information for direct deposit, completing required training, conducting transactions, and accessing reports.
- eFMNP Allowable Foods Requirements**
  - Fruits, vegetables, and cut herbs must be grown in the state of Montana.
  - Fruits, vegetables, and cut herbs cannot be processed beyond their natural state (aside from cleaning).
  - At least sixty (60) percent of all your produce available for purchase at your location must be grown by your farm.
  - The farmer will agree not to sell any unauthorized food items, as specified on the Farm Direct Authorized Food List.
- eFMNP Program Participation Requirements**
  - The farmer must display a FMNP poster, provided by the MT WIC program, at their farm stand.
  - The farmer must follow FMNP program rules and procedures.
  - The farmer must sign an agreement with the MT WIC FMNP program. Once the agreement is signed, an identification number will be assigned to the farmer. The agreement is renewed every three years.
  - The farmer must complete an initial face-to-face training for the first year of your agreement and be able to participate in annual training for every subsequent year of this agreement.
  - The farmer must provide program related information to the MT WIC FMNP program and/or the Food and Nutrition Service (FNS) upon request.
  - The farmer is not allowed to operate another farmer's booth/stall/stand or booth space.
  - The farmer will assure that no conflict of interest exists between the farmer and the Montana WIC program.
  - The farmer will agree to comply with civil rights requirements as stated in 7 CFR 248.10(a)(6) and 248.7(a): title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Department of Agriculture regulation on nondiscrimination (7 CFR parts 15, 15a and 15b), and applicable FNS Instructions to ensure that no person shall, on the grounds of race, color, national origin, age, sex or disability, be excluded from participating as a farmer or customer.
  - The farmer will not be authorized if during the last six (6) years the farmer has been convicted of, or had a civil judgment entered against them for any activity indicating a lack of business integrity. The Department's determination of lack of business integrity includes but is not limited to fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice.
  - The farmer shall have and maintain a positive compliance history with any and all USDA Food and Nutrition Services (FNS) programs in which they are or have participated.

Accept & Continue

## Fill out a WIC application

- The application process starts with an acknowledgment of the program's farmer authorization criteria:
- Provide your farm and contact information.

9:41

Back

Tell us about you

Please complete all required fields

Farmer First Name\* First Name

Farmer Last Name\* Last Name

Next

9:41

Back

What is your mailing address?

Street Address Street Address

Address Line 2 Address Line 2

Apt. # Apt. #

City City

State State

Zip Code Zip Code

Country Country

Same mailing address and farm address

Next

9:41

Back

What is your farm name?

Farm Name Farm Name

Next

9:41

Back

What is your farm address?

Farm Name Farm Name

Street Address Street Address

Address Line 2 Address Line 2

Apt. # Apt. #

City City

State State

Zip Code Zip Code

Country Country

Next

9:41

Back

Enter your contact information

Email Address\* Email Address

Allow email messages\* Yes

Cell phone number\* Cell phone number

Allow text messages\* Yes

Next

9:41

Back

Will at least 60% of the produce for sale at your location be grown by your farm?

Yes

No

Next

9:41

Back

What percent of the total fresh produce that you take to each point of sale do you not personally grow?

Enter %

Enter Percent

Next

9:41

Back

Are you at least 18 years of age, reside and grow produce in Montana or in a county adjacent to Montana?

Yes

No

Next

9:41

Back

Is your booth/stall/stand accessible to persons with a disability?

Yes

No

Next

9:41

Back

Do you have a conflict of interest with the Montana WIC Program, the Local WIC Program, Montana Senior FMNP, Montana WIC FMNP or the Department of Public Health and Human Services (included but not limited to family relationship, contract for services, employment, or business ties)?

Yes

No

Next

9:41

Back

Please explain your conflict of interest

Enter explanation

Next

9:41

Back

Have you or any agent of your farm had a conviction or civil judgment related to business integrity in the following: fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims or obstruction of justice?

Yes

No

Next

\*Allowing email and text messages will update you on pending account activities, such as next steps in the application or agreement processes, banking and payment notifications, or if annual training is outstanding.

9:41

< Back

Have you or any agent of your farm had a Supplemental Nutrition Assistance Program (SNAP) disqualification or civil money penalty imposed within 12 months of the date of this application?

Yes ☐

No ☐

Next

Verify program requirements.

9:41

< Back

How many Farm Direct signs will you need?

WIC Farm Direct farmers are required to display the Farm Direct sign at all times you accept or intend to accept FMNP benefits.

Number of Signs

Next

The *FMNP Benefits Accepted Here* poster must be clearly displayed at all locations of sale, including farmers market booths, farm stands, or anywhere else FMNP transactions occur. Please let the WIC Program know how many to mail you.

9:41

< Back Close

**Review & Sign below**

By signing this application:

1. I declare that the information provided on this application is accurate and true and that I meet the requirements to participate in this program.
2. I understand that I am responsible for the above-listed information. I understand that I must ensure other people who work in my booth/stand are educated in these matters. I understand that failure to follow Montana WIC Program Farm Direct policies and procedures may result in my disqualification from the program.
3. I will display the WIC Farm Direct sign at the point of sale.
4. I will cooperate with staff from the Montana WIC Program or the USDA in monitoring for compliance with program procedures and requirements.

Signature

Tap to sign

9:41

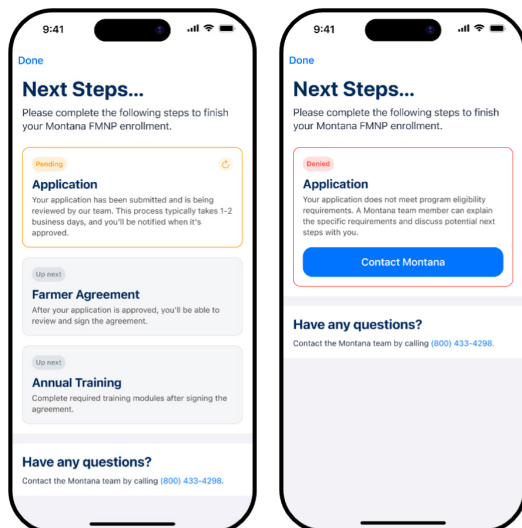
Done

**Your application was submitted.**

Your application is under review by the Montana FMNP team.

You will receive a notification when your application is updated.

Review and sign for submission of your FMNP application.

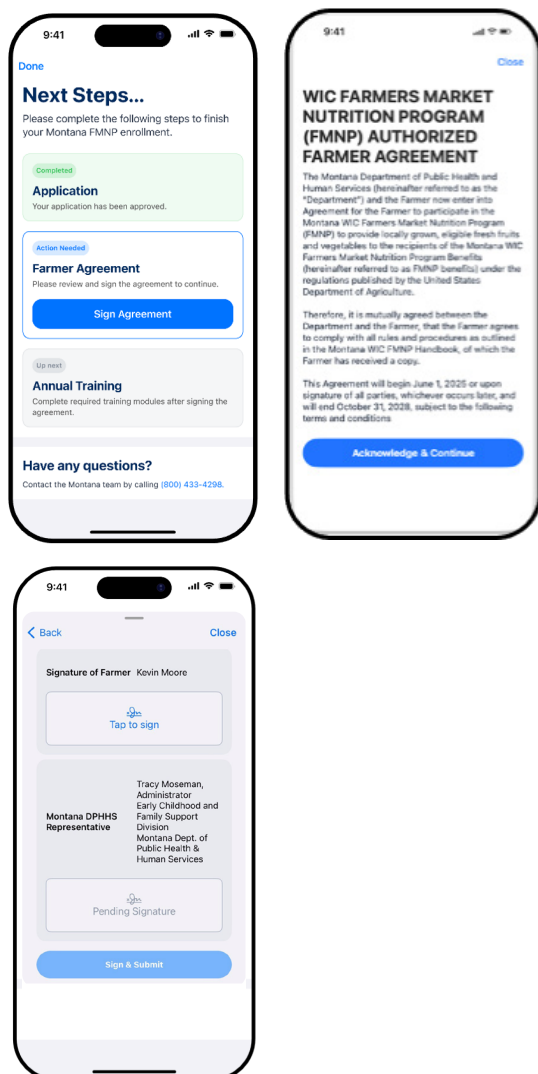


WIC staff will review the application, and the system will indicate if the application is pending, approved, or denied.

## STEP 4:

### Sign your FMNP Agreement

Once WIC staff have reviewed and approved an application, the farmer will review and sign the WIC FMNP agreement.



- When a farmer submits a signature for the agreement, the agreement is not valid until the WIC Program returns a fully signed copy to the farmer.
- WIC FMNP agreements are three years and may be terminated by either party with 30 days' written notice.
- Farmers may submit a program application and sign an agreement at any time throughout the season.
- Farmers must participate in a face-to-face training the first year of the agreement. Each subsequent year requires annual training conducted through the app. Farmers are unable to accept FMNP benefits until agreements are finalized and training requirements are met.
- After an agreement period, farmers may re-apply and have agreements renewed. Prior to an agreement renewal, the WIC Program will review the farmer's history for the following:
  - The farmer has redeemed FMNP benefits in the previous season, and;
  - The farmer has successfully resolved any problems brought to their attention by the WIC Program.

Neither the Montana WIC Program nor the farmer has an obligation to renew this agreement. The Montana WIC Program may terminate this agreement if the farmer does not comply with this agreement or the FMNP violations and sanctions policy,, FNS Interim Regulations, or any other applicable federal, state, or local civil or criminal laws, including state and federal nondiscrimination law.

Expiration of an agreement is not subject to administrative review and this agreement is not assignable or transferable.

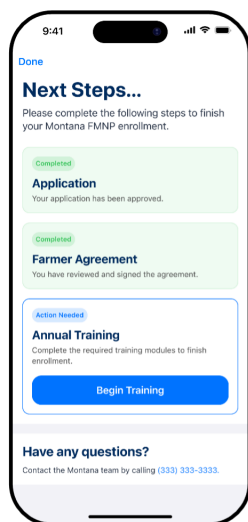
### Montana WIC will terminate a farmer agreement:

- Immediately if the farmer is disqualified from SNAP;
- If the farmer fails to comply with any part of the agreement;
- Immediately if farm ownership changes; or
- If it is determined that false information was provided on the application.

## STEP 5:

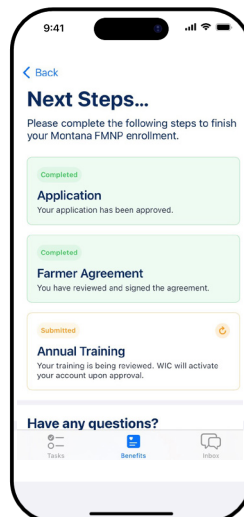
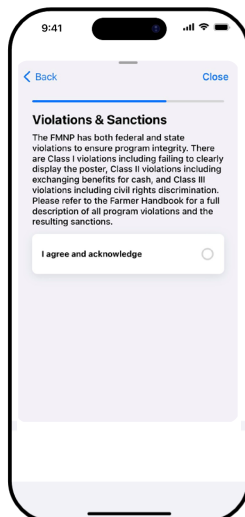
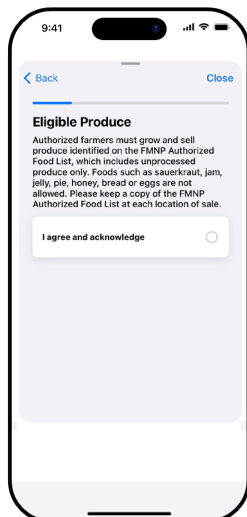
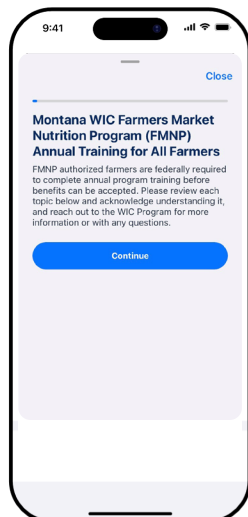
### Complete Required Training

There are two types of WIC FMNP training that farmers must complete.



**All new farmers** — before their first season accepting benefits — must complete an interactive training, which can be done face-to-face or via video/phone with WIC staff. **All other farmers** must complete annual training through the app. No transactions can occur until annual training is complete. If there is a lapse in a farmer's agreement, they are required to do the interactive training on their first year. Interactive and annual training topics include:

- Program overview
- Eligible produce
- Equitable Treatment of FMNP Customers
- Display the poster
- Transaction requirements
- Cashiers
- Violations & Sanctions
- Fair Hearings
- Nondiscrimination

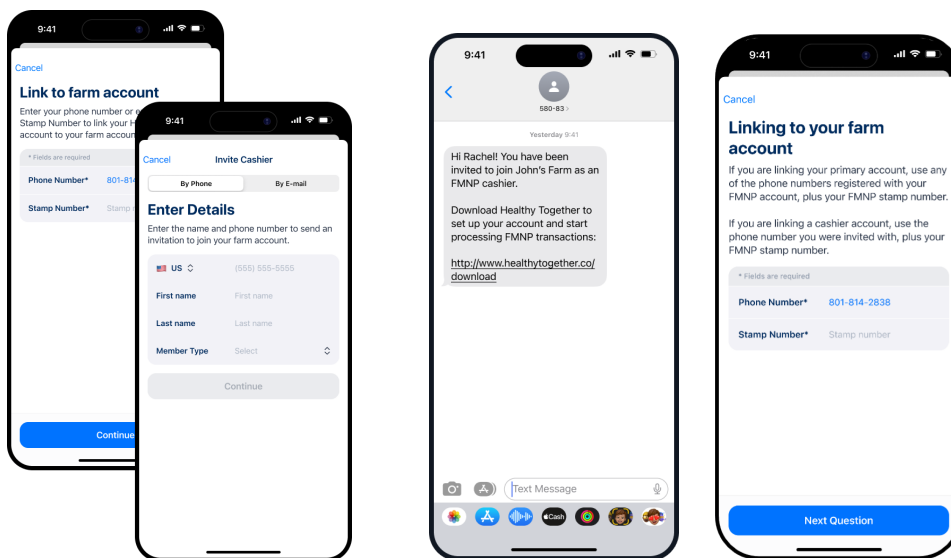


## STEP 6:

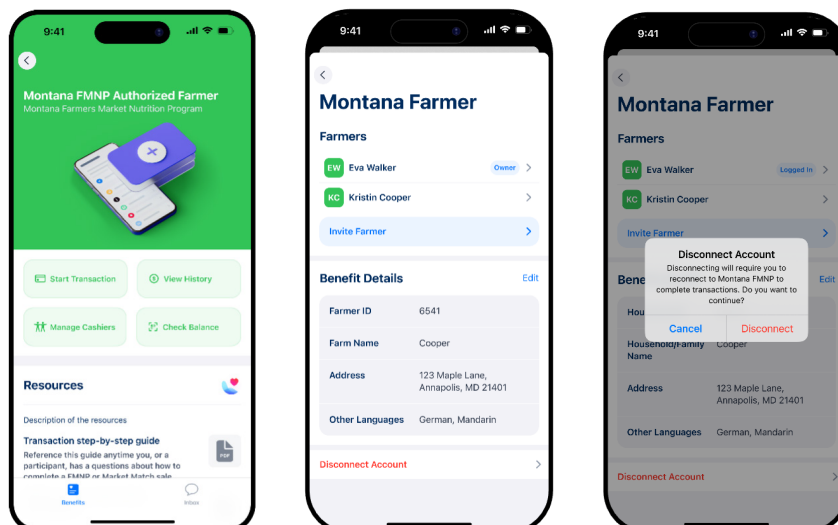
### Invite cashiers (if applicable)

Once a farmer's account is created, they may invite others to be *cashiers* and conduct FMNP transactions on behalf of their account. Farmers with employees selling in different locations on different devices are encouraged to use this feature.

- Farmers will invite cashiers by entering their phone number or email.
- Cashier receives a text message or an email to download the app and connect to the farm account.
- Cashier downloads the app and creates an account same as above.
- Cashier links to the farm account using the farm ID (stamp number), phone and/or email of the farm account.



Farmers can easily manage multiple cashiers and disconnect as needed.

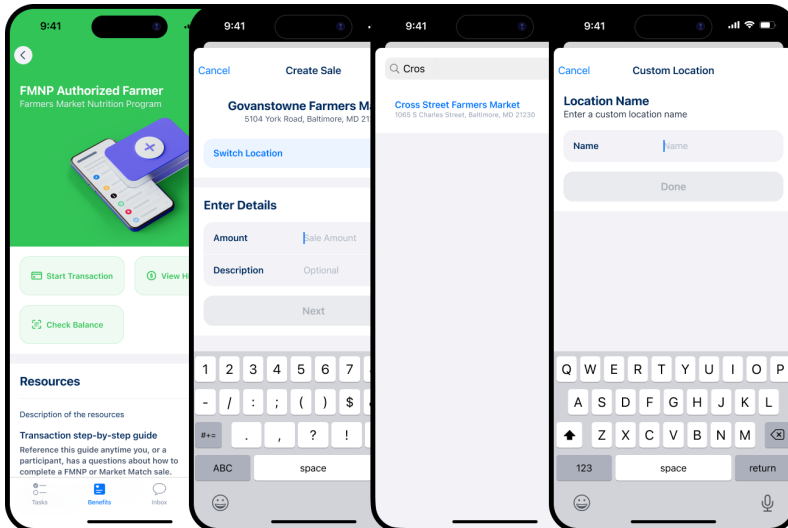




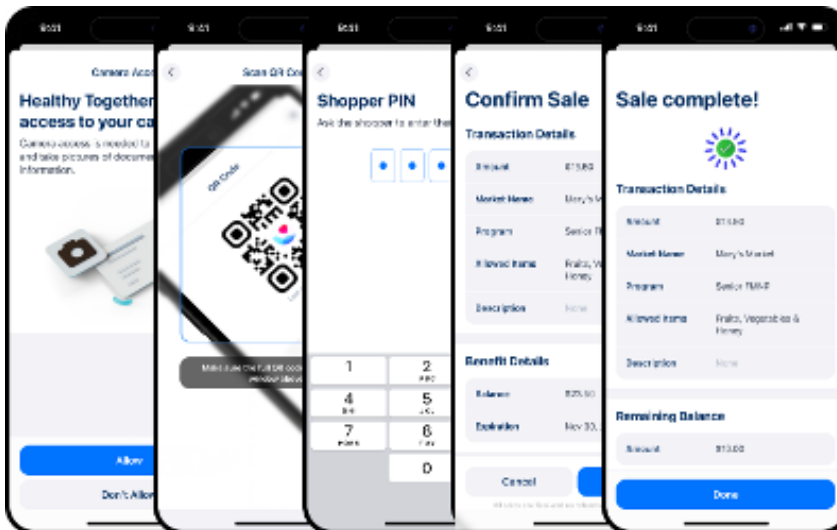
## STEP 7:

### eFMNP Transactions at the Market

After a customer gathers the produce they want and identifies themselves as having FMNP benefits, the farmer initiates the transaction.



- Tap “Start Transaction.”
- Select the location of sale. This only needs to be done once. You can search and select a known location or enter a new one.



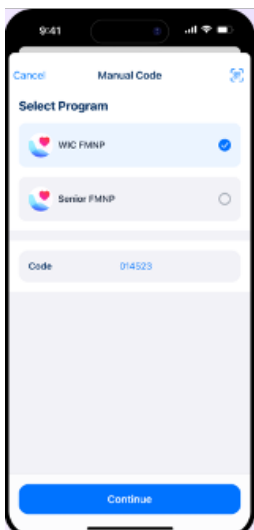
- For the first transaction, you will need to grant permission to access the camera on your device.
- Line up the QR code presented by the customer in the camera view; when it is detected, it will advance to the next step.
- Ask the customer to enter their security PIN on your device.
- Confirm the sale and review the information is correct.

## Scanning Errors

If the QR code will not scan, it can be entered manually by tapping the [123] icon in the top right.

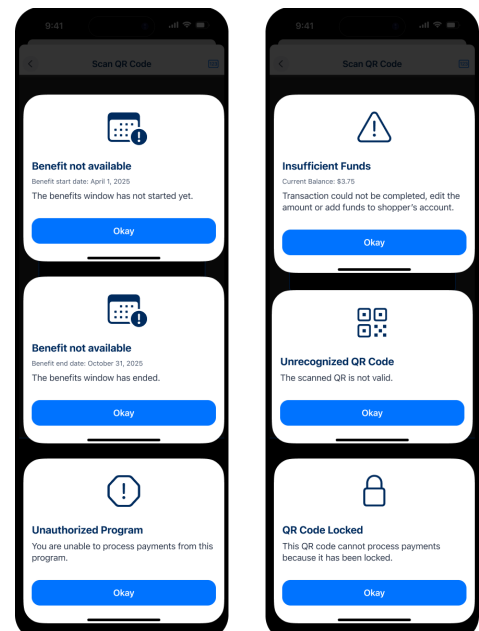


Select the program and the 6-digit QR code, then continue with the transaction:

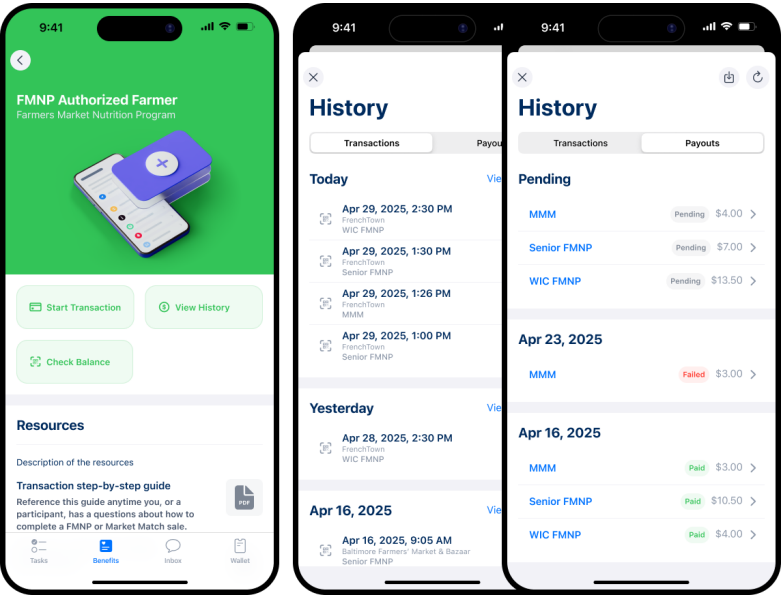


### Scanning errors may include:

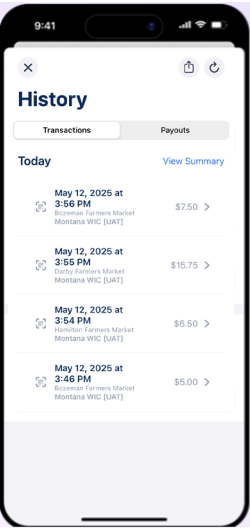
- Insufficient funds: participant does not have enough funds to cover the transaction.
- Benefits not available: Benefit was used before or after the season
- Unrecognized QR code: QR not reading
- Unauthorized Program: Farmer is not able to process payment, is not authorized
- QR Code Locked: QR code cannot process transactions because it is locked



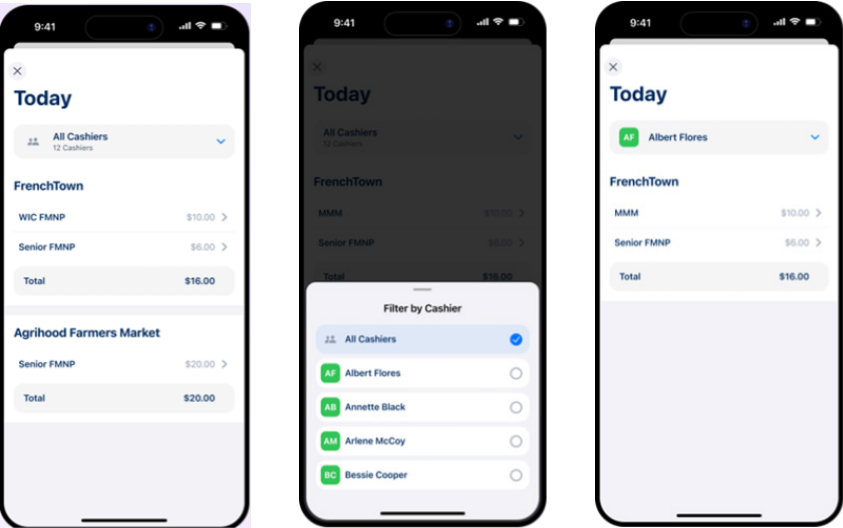
Transaction History



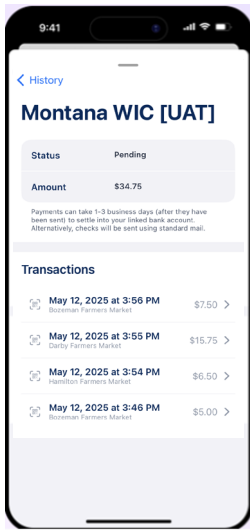
Farmers can view both their transaction and payout history in the app.



All transactions are listed in the history for both the primary account holder and cashiers.



If “View Daily Totals” is selected, primary account holders can see purchases by cashier.



Payout details are available on the primary account only.


## STEP 8:

### Get Paid

Farmers are encouraged to get paid by direct deposit by linking their Healthy Together account to their bank. If a farmer does not link to their bank account, the system will default to mailing checks to the farmer's address on file.

Farmer payouts are processed daily and bundle all transactions into one payment. Notifications to receive payouts can be emailed or texted to the farmer.

### Notification that payout is pending:

 **Healthy Together**

Pay by Bank :

Hi John,

Your WIC FMNP payout is ready for collection. Your payout will be paid directly into a checking or savings account of your choice.

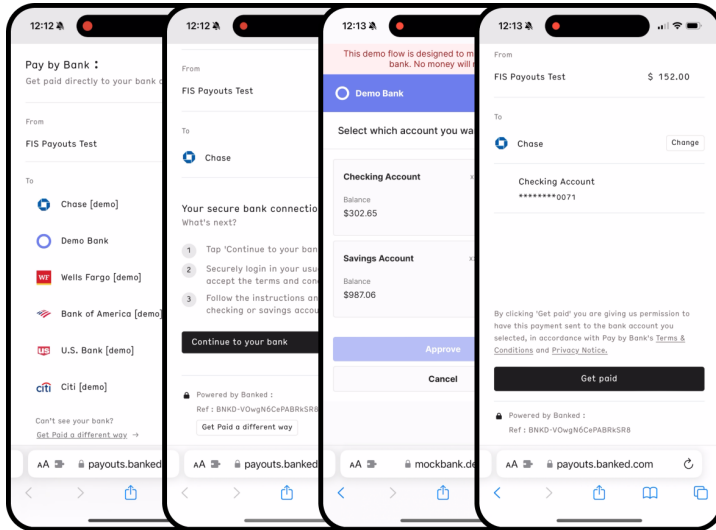
You are receiving a payment of  
**\$152.00**  
WIC FMNP  
[RECEIVE PAYOUT NOW →](#)

This is subject to the Healthy Together [Terms and Conditions](#) and [Privacy Policy](#).

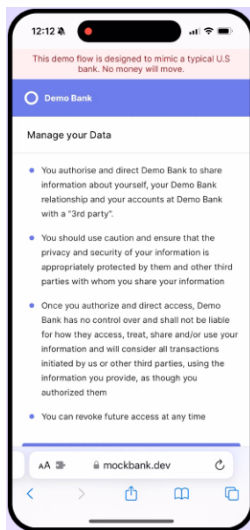
Contact Healthy Together support on [support@healthytogether.co](mailto:support@healthytogether.co)

Thanks,  
WIC FMNP

## Linking your bank to the system for direct deposit payments:



- Select your bank from the list or get paid a different way (mails paper checks).
- Securely log into your bank using your usual credentials.
- Select and verify the account to use.



This process includes a notification to *Manage your data*, which is required to give the Healthy Together system permission to access your banking information for the purposes of FMNP direct deposits.

## Farmer Monitoring

Monitoring refers to the annual review of selected FMNP-authorized farmers to verify adherence to program policies and procedures. WIC staff conduct the monitoring, it may be covert, and they may do a test purchase.

### eFMNP farmer monitoring reviews the following areas:

- The Use Your eFMNP Benefits Here sign is posted.
- No barriers to service exist.
- Transaction procedures are being followed.
- Nondiscrimination guidelines are being followed.
- The farmer is selling locally grown, eligible fresh fruits and vegetables.
- Prices for eligible WIC produce are clearly posted.

If the monitoring is covert, the farmer will be notified after WIC staff review and process the monitoring report. Any violation of WIC regulations will be documented on the monitoring form and correspondences will outline steps necessary to correct deficiencies found during the visit. Depending on severity, some program violations may result in a warning letter, corrective action plan, mandatory training, or disqualification.

## Complaints Against FMNP Customers

Rarely, a WIC FMNP customer may violate program rules. If the farmer cannot resolve the conflict by informing the participant of the proper WIC procedures, then the farmer needs to report the incident on the [WIC Participant Complaint Form](#). WIC participants are not permitted to cause a disturbance at a farmer's location of sale, abuse a farmer's employees or violate the procedures for transactions.

### *When to Report a Complaint*

WIC encourages farmers to report program violations, to ensure the behavior does not continue. If farmers have any questions about this process, they are encouraged to call the State WIC Office at 1-800-433-4298.

Any of the following constitutes a violation of the WIC Program.

### **If the WIC participant:**

- Attempts to purchase ineligible produce or more produce than benefits allow;
- Is threatening or verbally or physically abusive to the farmer;
- Attempts to exchange FMNP benefits for cash, credit, or nonfood items, including produce in excess of the maximum value of the WIC participant's benefit; or Intentionally makes false or misleading statements or intentionally misrepresents or conceals information that affects their ability to redeem FMNP benefits.



## Farmer Violations & Sanctions

Violation of WIC FMNP policies and procedures by an authorized farmer will be identified as class I, II, or III violation. Authorized farmers will be sanctioned if program regulations or the terms of the agreement are violated by doing any of the following:

### Class I Violations

- Failing to clearly display the "Benefits Accepted Here" poster.
- Conducting an eFMNP transaction for produce which is not grown in Montana.
- Accepting FMNP benefits for unauthorized food items.
- Failing to clearly identify and separate produce which is not eligible to be paid for with FMNP benefits.
- Charging a sales tax or fee for produce purchased with FMNP benefits.
- Seeking restitution from a WIC customer for a problem related to a payment for eFMNP transactions.

### Class II Violations

- Giving or accepting change or issuing a rain check to a WIC customer.
- Exchanging FMNP benefits for cash.
- Intentionally indicating a willingness to accept FMNP benefits by displaying the poster, when the farmer is not authorized or has not completed all program requirements to do transactions.
- Any form of discrimination against WIC FMNP customers, including charging different prices for WIC FMNP customers.
- Failure to abide by the minimum required amount of self-grown produce.

### Class III Violations

- Discriminating against a WIC FMNP customer based on any federal or state defined protected class.
- Not allowing WIC staff or another WIC designated official to perform annual monitoring.
- Knowingly providing false information to the WIC Program to obtain a WIC FMNP agreement.

### The first offense of a:

- Class I Violation will result in a written warning;
- Class II Violation will result in a 15-day suspension from the postmark date of the written warning; and
- Class III Violation will result in disqualification beginning 15 days from date of receipt of written notice, which will remain in effect for the remainder of the current market season and the following season.

### The second offense of a:

- Class I Violation will result in a 15-day suspension from the postmark date of the written warning;
- Class II Violation will result in a disqualification beginning 15 days from date of receipt of written notice, which will remain in effect for the remainder of the current market season and the following season; and
- Class III Violation will result in permanent disqualification from the Montana WIC FMNP beginning 15 days from date of receipt of written notice.

FMNP authorized farmers may be prosecuted for fraud or abuse under applicable federal, state, or local laws. The penalty or fine for misuse or illegal use of program funds, property or assets of a value equal to or greater than \$100 shall not exceed \$25,000 or imprisonment for not more than five years, or both. If the value of FMNP funds, property or assets misused or illegally used is less than \$100, the penalty or fine shall not exceed more than \$1,000 or imprisonment for not more than one year, or both.

## Fair Hearings

Farmers may request a fair hearing to appeal a denial of application, sanctioning, or disqualification. All requested fair hearings will be conducted by Montana WIC within three weeks of the date the Program receives the request for a hearing. The following procedure will be followed:

1. The farmer has sixty (60) days from the date of the denial of application, sanctioning or disqualification to request a fair hearing. The request may be made through the WIC FMNP liaison or the Montana WIC State Office. The request for a fair hearing may be written or verbal.
2. The Montana WIC Program will set the hearing date within three weeks of the receipt of the request.
3. The farmer will be notified in writing within a minimum of ten days in advance of the time and place of the hearing.
4. The fair hearing will be held in the county of residence of the farmer.
5. The fair hearing will be conducted by a fair and impartial official according to 248.16 and applicable portions of Title 2, Chapter 4 Montana Code Annotated, whose decision will rest solely on the evidence presented at the hearing and statutory and regulatory provisions governing the FMNP in Montana.
6. The farmer will have the opportunity to:
  - a. review the case file;
  - b. representation by legal counsel;
  - c. confront and cross-examine any witnesses;
  - d. present their case; and
  - e. reschedule the hearing date once upon request.
7. The farmer will be notified of the decision in writing within forty-five (45) days of the original request.
8. The farmer may appeal the fair hearing decision in District Court in the First Judicial District of the State of Montana, in and for the County of Lewis and Clark within thirty (30) days of receiving the written decision.
9. Expiration of an agreement with a farmer and claims actions under Section 248.20 are not subject to appeal.
10. An adverse action may, at the State Agency's option, be postponed until a decision in the appeal is rendered.

## Civil Rights

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, (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.

As stated above, all protected bases do not apply to all programs, "the first six protected bases of race, color, national origin, age, disability, and sex are the six protected bases for applicants and recipients of the Child Nutrition Programs."

Discrimination of a WIC participant is a serious violation of the Montana WIC FMNP Agreement and may result in a sanction or disqualification. Authorized WIC farmers must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973,

the Age Discrimination Act of 1975, and Department of Agriculture regulations on nondiscrimination contained in Parts 15, 15a, and 15b and FNS instructions as outlined in Part 249.7 of Title 7 Code of Federal Regulations, as of May 26, 2005.

In order to provide reasonable accommodation to WIC participants please ensure that the front of your Point of Sale (POS) (booth, roadside stand, etc.) is clear and accessible for everyone. Also, please ensure that there is a hard surface available for participants who may have trouble signing the FMNP benefits.

All Civil Rights complaints are handled by the U.S. Department of Agriculture, not the Montana State WIC Agency. If a farmer is found in violation of Federal Civil Rights discrimination, the farmer will be disqualified.

AGREEMENT  
FROM THE STATE OF MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES  
Early Childhood & Family Services Division

WIC FARMERS MARKET NUTRITION PROGRAM (FMNP) AUTHORIZED FARMER AGREEMENT  
[INSERT YEAR] – [INSERT FARMER ID]

Farmer Name:  
Farm Business Name:  
Mailing Address:  
Mailing City & Zip:  
Phone:  
Email:

The Montana Department of Public Health and Human Services (hereinafter referred to as the “Department”) and the Farmer now enter into Agreement for the Farmer to participate in the Montana WIC Farmers Market Nutrition Program (FMNP) to provide locally grown, eligible fresh fruits and vegetables to the recipients of the Montana WIC Farmers Market Nutrition Program Benefits (hereinafter referred to as FMNP benefits) under the regulations published by the United States Department of Agriculture.

Therefore, it is mutually agreed between the Department and the Farmer, that the Farmer agrees to comply with all rules and procedures as outlined in the Montana WIC FMNP Handbook, of which the Farmer has received a copy. This Agreement will begin [INSERT DATE] or upon signature of all parties, whichever occurs later, and will end [INSERT DATE], subject to the following terms and conditions:

**I. Farmer Requirements:**

- A. Possess, maintain, and/or have access to a mobile and/or stationary device such as phone and computer and a valid email address in order create and maintain an account in the FMNP system and conduct transactions in accordance with the published rules, policies, specifications and procedures established by the WIC Program. Benefit redemption procedures are detailed in the FMNP Farmer Handbook.
- B. Attend all mandatory trainings. The first year of the FMNP agreement requires a *face-to-face* or remote interactive training on program procedures, and each subsequent year requires non-interactive training that is conducted through the FMNP system.
- C. Provide training to and be accountable for the actions of “cashiers” in the redemption FMNP benefits as outlined in the Farm Direct Handbook.
  - i. Authorized farmers may invite “cashiers” to link to their accounts and conduct transactions on additional devices. Cashiers may be linked to multiple farmer accounts and conduct transactions on behalf of farmers that do not have a mobile device.
- D. The majority of all produce for sale must be grown by the authorized farmer, and all WIC-eligible produce must be grown within Montana or a neighboring county. The Farmer will clearly identify and separate produce which is not eligible to be paid for with FMNP benefits.
- E. Provide authorized fresh fruits and vegetables to participants or proxies at the same price or less than is charged to other customers.

- F. Keep a copy of approved food list at each point of sale.
- G. Do not sell any unauthorized food items, as specified on the Farm Direct Authorized Food List.
- H. Clearly mark or post current prices, including sale prices, either on the eligible fresh fruits, and vegetables or on a sign immediately next to or in front of the items.
- I. Prominently post or display the Montana WIC Program Farm Direct sign at the point of sale.
- J. Maintain records in accordance with generally accepted accounting procedures and make those records available upon request for State or Federal auditing purposes.
- K. Offer WIC participants and proxies the same courtesies extended to other customers including promotions. Do not publicly identify or call attention to WIC FMNP customers.
- L. Farmers may not contact a WIC participant or proxy in an attempt to recover funds for a FMNP benefit not reimbursed or for which overcharges were requested.
- M. No cash may be exchanged for purchases made with FMNP benefits.
- N. Allow exchange of an identical item only when the original item is defective, spoiled, or has exceeded its expiration date.
- O. FMNP benefits may not be traded for cash or credit. Report to the WIC Program if a customer requests cash or credit in exchange for returned WIC foods.
- P. Sales tax or fees, either state or local, may not be charged to FMNP benefit transactions.
- Q. Agree to provide information to the Montana FMNP Program and/or the Food and Nutrition Service (FNS), if requested.
- R. Agree to be monitored for compliance with the Farm Direct requirements. This can include overt and covert compliance buys as part of the monitoring process.
- S. Pay the State agency for any FMNP benefits transacted in violation of this agreement.
- T. Operate under WIC Federal Regulations as outlined in CFR 248.7 and CFR 246.1. (A copy is available at <http://wic.mt.gov> Farm Direct page.)
- U. The Farmer agrees to comply with civil rights requirements as stated in 7 CFR 248.10(a)(6) and 248.7(a): Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Department of Agriculture Regulation on nondiscrimination (7 CFR parts 15, 15a and 15b), and to ensure that no person shall on the grounds of race, color, national origin, age, sex, or disability, be excluded from participating.
- V. Notify the Local WIC Agency if he/she ceases to participate in the Farm Direct Program.
- W. Agree that the Farm Direct Program may choose not to renew this agreement if the Farmer has less than \$60.00 worth of FMNP redemption, on average, during their contract period.

## **II. Montana WIC Program State Agency Responsibilities:**

- A. Ensure payment of any FMNP benefits submitted by the Farmer in a timely manner, if the Farmer meets all FMNP benefit redemption and submission requirements.
- B. Deny payment or seek restitution if the Farmer improperly redeems the FMNP benefit.
- C. Disqualify the Farmer in accordance with the abuse and sanction policy as set forth in the Montana WIC Farm Direct Handbook hereby made a part of this Agreement as if fully rewritten herein.

### **III. Montana WIC Program Local WIC Agency Responsibilities:**

- A. Act as a liaison for the Montana WIC Program.
- B. Provide training to the Farmer on all required Farm Direct procedures.
- C. Monitor the Farmer for compliance with Farm Direct procedures at the request of the State WIC Office.
- D. Initially investigate any complaint made by or against the Farmer. Provide information to the State WIC Office for the determination of follow-up to the Farmer or WIC participant.

### **IV. General Conditions Include:**

- A. Neither the Montana WIC Program nor the Farmer has an obligation to renew this Agreement.
- B. The Farmer has the right of appeal to the Department regarding denial of application to participate, imposing of a sanction or denied payment from the WIC Farm Direct Program. Expiration of a contract or agreement and claims action under Section 248.20 of the USDA Regulations are not subject to appeal; suspension or disqualification because of a Supplemental Nutrition Assistance Program (SNAP) suspension or disqualification cannot be appealed.
- C. The Farmer has sixty (60) days from the date of the denial of application, sanctioning or disqualification to request a fair hearing. All requested fair hearings will be conducted by Montana WIC/FMNP within three weeks of the date the Program receives the request for a hearing. See Fair Hearings Section of the Farm Direct Handbook.
- D. This Agreement is not assignable or transferable.
- E. Signing of this Agreement signifies training has been completed and the Farmer, Local WIC Agency and the Montana WIC Program are aware of all responsibilities required to participate in the Montana WIC Farm Direct Program.
- F. The Farmer is accountable for the actions of employees and volunteers in the provision of foods and activities.
- G. The Department may disqualify the Farmer for WIC Farm Direct abuse upon written notification to the Farmer; Farmers who are suspended or disqualified from participation in, or have a civil monetary penalty imposed by the Supplemental Nutrition Assistance Program (SNAP), shall be automatically suspended or disqualified from the WIC Farm Direct Program. Certain suspensions/disqualifications from the WIC Program may result in suspension or disqualification from SNAP.
- H. A Farmer who commits fraud or abuse of the WIC Farm Direct Program is liable to prosecution under applicable federal, state or local laws.
- I. The Department shall have the right to reimbursement from the Farmer of an amount equal in value to FMNP benefits deposited and paid upon, after the final notice of suspension or disqualification.
- J. In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.
- K. At least thirty (30) days before the start of each annual FMNP season, authorized farmers shall receive a notification to renew. Failure to renew will result in loss of authorization.



This Agreement is not effective until all required information is complete, and the Agreement has been signed by both the Farmer and the Department.

|   |              |
|---|--------------|
| <b>Signature of Farmer:</b>   | <b>Date:</b> |
| <b>Montana Department of Public Health &amp; Human Services Representative:</b> | <b>Date:</b> |

Tracy Moseman, Administrator  
Early Childhood and Family Support Division  
406-444-6676

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- (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 provide**



## QUESTIONS?



406-444-5530



[wicvendor@mt.gov](mailto:wicvendor@mt.gov)

