

**§ 248.26**

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**§ 248.26 OMB control number.**

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**PART 249—SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)**

**Subpart A—General**

Sec.

- 249.1 General purpose and scope.
- 249.2 Definitions.
- 249.3 Administration.

**Subpart B—State Agency Eligibility**

- 249.4 State plan.
- 249.5 Selection of new State agencies.

**Subpart C—Participant Eligibility**

- 249.6 Participant eligibility.
- 249.7 Nondiscrimination.

**Subpart D—Participant Benefits**

- 249.8 Level of benefits and eligible foods.
- 249.9 Nutrition education.

**Subpart E—State Agency Provisions**

- 249.10 Coupon, market, and CSA program management.

**7 CFR Ch. II (1-1-07 Edition)**

- 249.11 Financial management system.
- 249.12 SFMNP costs.
- 249.13 Program income.
- 249.14 Distribution of funds to State agencies.
- 249.15 Closeout procedures.
- 249.16 Administrative appeal of State agency decisions.

**Subpart F—Monitoring and Review of State Agencies**

- 249.17 Management evaluations and reviews.
- 249.18 Audits.
- 249.19 Investigations.

**Subpart G—Miscellaneous Provisions**

- 249.20 Claims and penalties.
- 249.21 Procurement and property management.
- 249.22 Nonprocurement debarment/suspension, drug-free workplace, and lobbying restrictions.
- 249.23 Records and reports.
- 249.24 Data safeguarding requirements.
- 249.25 Other provisions.
- 249.26 SFMNP information.
- 249.27 OMB control number. [Reserved]

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**Subpart A—General**

**§ 249.1 General purpose and scope.**

(a) This part announces regulations under which the Secretary of Agriculture shall carry out the Senior Farmers' Market Nutrition Program (SFMNP). The purposes of the SFMNP are to:

- (1) Provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables and herbs from farmers' markets, roadside stands, and community supported agriculture (CSA) programs to low-income seniors;
- (2) Increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers' markets, roadside stands, and CSAs; and
- (3) Develop or aid in the development of new and additional farmers' markets, roadside stands, and CSAs.

(b) These goals will be accomplished through payment of cash grants to approved State agencies. The SFMNP shall be supplementary to the food stamp program carried out under the

## Food and Nutrition Service, USDA

## § 249.2

Food Stamp Act of 1977 (7 U.S.C. 2011, *et seq.*), and to any other Federal or State food or nutrition assistance program under which foods are distributed to needy families in lieu of food stamps.

### § 249.2 Definitions.

For the purpose of this part and all contracts, guidelines, instructions, forms and other documents related hereto, the term:

*Administrative costs* means those direct and indirect costs (as defined in—249.12(a)(1)(ii)), exclusive of food costs, which State agencies determine to be necessary to support SFMNP operations. Administrative costs include, but are not limited to, the costs associated with administration and start-up; the provision of nutrition education; SFMNP coupon issuance; participant education covering coupon redemption procedures; eligibility determinations; outreach services; printing SFMNP coupons, processing redeemed coupons, and training farmers, market managers, and/or farmers who operate CSA programs on the food delivery system; monitoring and reviewing program operations; required reporting and recordkeeping; determining which local sites will be utilized; recruiting and authorizing farmers, farmers' markets, roadside stands, and/or CSA programs to participate in the SFMNP; preparing contracts for farmers, farmers' markets, roadside stands, and/or CSA programs; developing a data processing system for redemption and reconciliation of coupons; designing program training and informational materials; and coordinating SFMNP implementation responsibilities between designated administering agencies.

*Bulk purchase* means a program model in which bulk quantities of certain produce items, such as apples or sweet potatoes, are purchased directly from authorized farmers by the State agency, and are then equitably divided among and distributed directly to eligible SFMNP participants, either at a central distribution point (such as a local senior center) or through some type of home delivery network.

*Community supported agriculture (CSA) program* means a program under which a farmer or group of farmers grows

food for a group of shareholders (or subscribers) who pledge to buy a portion of the farmer's crop(s) for that season. State agencies may purchase shares or subscribe to a community supported agriculture program on behalf of individual SFMNP participants.

*Compliance buy* means a covert, on-site investigation in which a SFMNP representative poses as a SFMNP participant or authorized representative and attempts to transact one or more SFMNP coupons, or, in the case of CSA programs, attempts to obtain eligible foods purchased with SFMNP funds at a distribution site.

*Coupon* means a check or other negotiable financial instrument by which benefits under the program are transferred to program participants.

*Days* means calendar days.

*Department* means the U.S. Department of Agriculture.

*Distribution site* means the location where packages of eligible foods are assembled for and/or distributed to SFMNP participants who are shareholders in CSA programs.

*Eligible foods* means fresh, nutritious, unprepared, locally grown 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. Dried fruits or vegetables, such as prunes (dried plums), raisins (dried grapes), sun-dried tomatoes, or dried chili peppers are not considered eligible foods. Potted fruit or vegetable plants, potted or dried herbs, wild rice, nuts of any kind (even raw), honey, maple syrup, cider, seeds, eggs, meat, cheese and seafood are also not eligible foods for purposes of the SFMNP.

*Farmer* means an individual authorized to sell eligible foods at participating farmers' markets and/or roadside stands, and through CSAs. Individuals who exclusively sell produce grown by someone else, such as wholesale distributors, cannot be authorized to participate in the SFMNP. A participating State agency has the option to authorize individual farmers or farmers' markets, roadside stands, and/or CSA programs.