



Food and  
Nutrition  
Service

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1320 Braddock Place  
Alexandria, VA  
22314

**SUBJECT:** Senior Farmers' Market Nutrition Program (SFMNP)  
Administrative Flexibilities during a Pandemic and accompanying  
Questions and Answers

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

SFMNP State Agency Directors  
All Regions

This memorandum provides information about the availability of administrative flexibilities available to SFMNP State agencies under current regulations. The Families First Coronavirus Response Act (P.L. 116-127) did *not* provide additional flexibilities to SFMNP State agencies. Consequently, State agencies may only implement flexibilities permitted under current SFMNP regulations. To implement these flexibilities, State agencies must submit State Plan amendments for any changes to program operations to their respective FNS Regional Offices for approval pursuant to 7 CFR 249.4.

To assist SFMNP State agencies, below are answers to common questions received. If State agencies have any questions about this information, please contact the appropriate FNS Regional Office.

SARAH WIDOR  
Director  
Supplemental Food Programs Division

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<b>Disclaimer:</b>	<b>The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.</b>
Body of guidance document follows.	

**SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)  
QUESTIONS AND ANSWERS ON PROGRAM FLEXIBILITIES  
DURING A PANDEMIC**

The Families First Coronavirus Response Act (P.L. 116-127) did *not* provide additional flexibilities to SFMNP. Consequently, State agencies must only implement flexibilities permitted under current SFMNP regulations at 7 CFR 249 by submitting State Plan amendments for changes to program operations to their respective FNS Regional Offices. For example, a State agency may submit a State Plan amendment to switch to a bulk purchase program or a community supported agriculture (CSA) program to distribute foods to participants.

**Before submitting State Plan amendments pursuant to 7 CFR 249.4, SFMNP State agencies should consider State and local public health and safety laws and consult with legal counsel.**

Below are questions that FNS has received from SFMNP State agencies with corresponding answers.

Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this guidance as not major, as defined by 5 U.S.C. § 804(2).

**Question 1.** May the State agency mail SFMNP coupons to eligible participants?

**Answer:** Yes. The State agency may mail SFMNP coupons to eligible participants. However, the State agency is not allowed to charge the cost of mailing coupons to its Federal SFMNP food grant. Federal SFMNP administrative funds or other non-Federal funds must be used to cover the cost of the mailing SFMNP coupons. See 7 CFR 249.12(a)(1)(i).

**Question 2.** Does training for new or returning farmers, farmers' market managers and/or farmers who operate a roadside stand or CSA program participating in the SFMNP need to be completed face-to-face?

**Answer:** No. The State agency must conduct annual training for farmers, farmers' market managers, and/or farmers who operate a CSA program. For all farmers and farmers' market managers who have never previously participated in the SFMNP, the training must be interactive. See 7 CFR 249.10(a)(7) and (d). The State agency may deliver interactive training in a variety of methods, including but not limited to classroom settings, telephone conferences, videoconferences, and web-based training.

**Question 3.** May the nutrition education requirement for SFMNP participants be administered remotely or by mail?

**Answer:** Yes. Nutrition education may be provided remotely, including but not limited to telephone, mail, or online. See 7 CFR 249.9(b). In addition, the State agency may satisfy nutrition education requirements through coordination with other agencies within the State. See 7 CFR 249.2, 249.4, and 249.9.

**Question 4.** May an SFMNP State agency increase the amount of the SFMNP season benefit above \$50?

**Answer:** No. The value of the Federal share of the SFMNP benefits received by any recipient may not be less than \$20 per year or more than \$50 per year. See 7 CFR 249.8(b).

**Question 5.** Is there a limit to the amount of SFMNP food funds that can be used by a State agency to implement a bulk purchase program?

**Answer:** Within the available State agency SFMNP food grant, there is no limit to the amount of SFMNP food funds that can be used to implement a bulk purchase program. The value of SFMNP benefits received by each participant, whether individual or household, may not exceed \$50 per year, consistent with 7 CFR 249.8(b).

**Question 6.** May a State agency switch to 100 percent CSA programs?

**Answer:** No. The State agency must limit the value of shares awarded to CSA programs to no more than 50 percent of their total Federal SFMNP food grant. See 7 CFR 249.10(a)(5).

**Question 7.** May a SFMNP State agency waive the age requirements for SFMNP?

**Answer:** No. Per 7 CFR 249.6(a)(1), SFMNP participants must be 60 years of age or older, except that State agencies may exercise the option to deem Native Americans who are 55 years of age or older as categorically eligible for SFMNP benefits. State agencies may, at their discretion, also deem disabled individuals less than 60 years of age who are currently living in housing facilities occupied primarily by older individuals where congregate nutrition services are provided, as categorically eligible to receive SFMNP benefits.

**Question 8.** What constitutes a valid signature when applicants apply to SFMNP and receive SFMNP foods?

**Answer:** The State agency must require all applicants who do not qualify via another means-tested program to provide, at a minimum, a signed statement affirming that their household size and income does not exceed the maximum income eligibility standard in use by the State agency (see 7 CFR 249.6(b)(2)(i)).

In addition, a senior may designate a proxy (i.e., an authorized representative) to apply for certification, receive coupons or other benefits, use coupons at authorized outlets, and/or accept foods provided through a CSA program. The State agency must obtain a signed statement from the eligible senior designating a proxy, which may be done at any point during the program's period of operation (see 7 CFR 249.6(f)). One individual may serve as a proxy for multiple participants.

The State agency has the discretion to allow participants to provide signed statements electronically, including receiving statements from seniors via email or text. The State agency must institute procedures to ensure records are kept in accordance with program requirements. See 7 CFR 249.23.

**Question 9.** May the State agency implement social distancing practices in its SFMNP operations?

**Answer:** Yes. The State agency has the discretion to implement a variety of acceptable social distancing practices in its SFMNP operations, including limiting the number of people permitted inside a market at one time and using curbside pickup of eligible foods. In addition, a proxy may be used by multiple participants to minimize the number of individuals needed to pick up eligible foods. See 7 CFR 249.6(f). SFMNP farmers,

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farmer's markets, roadside stands, and CSA programs may not charge participants for extra services rendered. See 7 CFR 249.8(c)(4).

**Question 10.** May SFMNP coupons be used online to purchase eligible foods?

**Answer:** No. In SFMNP, coupons must be transacted at the farmer's market or roadside stand in accordance with 7 CFR 249.

**Question 11.** May the State agency carry over unused fiscal year (FY) 2020 SFMNP funds into FY 2021?

**Answer:** No. All unused FY 2020 SFMNP funds must be returned to FNS by February 1, 2021, for reallocation during FY 2021, consistent with 7 CFR 249.14(h). For State agencies that do not operate the SFMNP during FY 2020, FNS will recover unspent grant funds during August 2020 as carryover funds for use by participating State agencies in FY 2021.

**Question 12.** Will there be special consideration to the FY 2021 funding formula if there are large amounts of SFMNP funds returned at the end of FY 2020?

**Answer:** No. The SFMNP funding formula does not take into account expenditures or use of grant funds when allocating base grants. Provided that sufficient SFMNP funds are available, each State agency that participated in the SFMNP in any prior fiscal year, will receive not less than the amount of funds the State agency received in the most recent fiscal year in which it received funding (see 7 CFR 249.14(b)).