

**21—50.8(159,175B) Farmers' market, farmstand, and community supported agriculture (CSA) authorization.****50.8(1)** Authorized farmers' markets shall:

*a.* Annually submit an application for farmers' market authorization in a manner outlined by the department. The application shall be submitted by a representative with the legal authority to obligate the farmers' market and serve as evidence of willingness by a person(s) associated with the farmers' market to implement all Iowa FMNP requirements.

*b.* Have a minimum of three eligible certified vendors or certified vendor applicants participate in the farmers' market for at least nine consecutive weeks. The names of these three vendors shall be included in the application for authorization.

*c.* Maintain posted hours and days of operation throughout the season, specifically detailed to cover any anticipated fluctuations in operations over the season.

*d.* Actively operate for at least two hours on the same day, on at least a biweekly basis, for at least nine consecutive weeks, except that pop-up farmers' markets managed by or with the support of an authorized farmers' market may operate less frequently and for less than two hours. For example, an authorized market operates at the county fair for a single day. An application for authorization must be submitted by the pop-up market and must demonstrate shared management with, or a letter of support from, the primary authorized farmer's market.

*e.* Maintain accessibility and consistency of the farmers' market site throughout the season.

*f.* Notify the department if the farmers' market changes the posted hours and days of operation prior to the end of the authorization period.

**50.8(2)** Authorized farmstands shall:

*a.* Annually submit an application for farmstand authorization in a manner outlined by the department. The application shall be submitted by a representative with the legal authority to obligate the farmstand and serve as evidence of willingness by a person(s) associated with the farmstand to implement all Iowa FMNP requirements.

*b.* Be operated by a certified vendor. The certified vendor may submit an application for farmstand authorization concurrently with a certified vendor application.

*c.* Maintain posted hours and days of operation to be maintained throughout the season, specifically detailed to cover any anticipated fluctuations in operations over the season.

*d.* Actively operate for at least two hours on the same day, on at least a biweekly basis, for at least nine consecutive weeks, except that authorized farmstands may operate for less than nine consecutive weeks if their eligible food crops have a limited growing season.

*e.* Maintain accessibility and consistency of the farmstand site throughout the season.

*f.* Be staffed during posted hours and days of operation.

*g.* Notify the department if the farmstand changes the posted hours and days of operation prior to the end of the authorization period.

*h.* Qualify as a permanent farmstand or a moveable farmstand.

(1) A permanent farmstand shall be operated from a permanent building that is primarily used for the sale of eligible foods or other farm products, is not moveable, and remains in the same location year-round. The building shall have at least a roof, sidewalls, and a solid floor to protect product and people. Wood post frame, stud frame, rigid-frame metal, and concrete block construction are suitable farmstand construction. The building must be maintained in a manner consistent with standards generally accepted for this type of business.

(2) A farmstand that does not meet the structural requirements of a permanent farmstand or a certified vendor stall not located at an authorized farmers' market may be considered a moveable farmstand. If three or more applications for moveable farmstands located at a nonauthorized farmers' market are received by the department, the applicants may be required to meet the authorization requirements of a farmers' market. A moveable farmstand shall not operate concurrently with the posted hours and days of any authorized farmers' market within five miles unless the farmstand is located at the certified vendor's residence or primary grow site or has operated from a structure at the same location for a minimum of five consecutive years.

The Department may authorize a limited number of moveable farmstands, which may operate for less than two hours and less than nine consecutive weeks and are not subject to distance limitations from authorized farmers' markets. A primary consideration for authorization shall be how these moveable farmstands will improve Iowa FMNP participants' access to eligible foods and redemption of Iowa FMNP vouchers. These farmstands may be located at sites readily accessible by Iowa FMNP participants, including but not limited to WIC Clinics, senior housing facilities, community centers, congregate meals sites, and Iowa FMNP distribution sites. Once authorized, these farmstands must provide written notification to the local WIC and senior agencies of the service area to communicate the location, hours, and days of operation for FMNP.

**50.8(3)** The department may limit the number of CSAs that may become authorized under Iowa FMNP. CSAs will not be authorized for WIC FMNP. An authorized CSA shall:

- a.* Annually submit an application for CSA authorization in a manner outlined by the department. The application shall be submitted by a representative with the legal authority to obligate the CSA and serve as evidence of willingness by a person(s) associated with the CSA to implement all Iowa FMNP requirements.
- b.* Be operated by a certified vendor. The certified vendor may submit an application for CSA authorization concurrently with a certified vendor application.
- c.* Have a designated distribution site where eligible foods are distributed to senior participants.
- d.* Provide such information as the department may require for its periodic reports to USDA-FNS.
- e.* Ensure that SFMNP recipients receive only eligible foods.
- f.* Provide eligible foods to SFMNP shareholders at or below the price charged to other customers.
- g.* Ensure that the shareholders receive eligible foods that are of equitable value and quantity to their share.
- h.* Ensure that all funds from the department are used for planting of crops for SFMNP shareholders.
- i.* Provide to the department access to a tracking system that determines the value of the eligible foods provided and the remaining value owed to each SFMNP shareholder.
- j.* Ensure that SFMNP shareholders/authorized representatives provide written acknowledgment of receipt of eligible foods.
- k.* Accept training on SFMNP procedures and provide training to farmers and any employees with SFMNP responsibilities for such procedures.
- l.* Agree to be monitored for compliance with SFMNP requirements, including both overt and covert monitoring.
- m.* Be accountable for actions of farmers or employees in the provision of eligible foods and related activities.
- n.* Offer SFMNP shareholders the same courtesies as other customers.
- o.* Notify the department immediately when the CSA program is experiencing a problem with its crops and may be unable to provide SFMNP shareholders with the complete amount of eligible foods agreed upon between the CSA and the department.
- p.* 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.
- q.* Notify the department if any CSA program ceases operation prior to the end of the authorization period.

[ARC 7883C, IAB 4/17/24, effective 5/22/24]