

**WAC 246-780-040 Noncompliance with FMNP requirements by an authorized farmers market, authorized mobile market, authorized grower, or authorized farm store.**

(1) Authorized farmers markets, authorized mobile markets, authorized growers or authorized farm stores who do not comply with federal WIC regulations, including those at 7 C.F.R. 248.16, this chapter, or a contract or agreement with the department are subject to sanctions, such as suspensions, civil monetary penalties, or disqualification. Prior to disqualification, the department must consider whether the disqualification would create undue hardships for participants.

(2) Noncompliance includes, but is not limited to:

(a) Failing to display the "WIC and Senior Farmers Market Benefits Welcome Here" sign each day when selling at authorized farmers markets, authorized mobile markets, or authorized farm stores;

(b) Providing unauthorized food or nonfood items to participants in exchange for the WIC FMNP, WIC CVB, and SFMNP benefits;

(c) Charging the department for foods not received by the participant;

(d) Providing rain checks or credit to participants in a WIC FMNP, WIC CVB, and SFMNP transaction;

(e) Giving change to participants for purchases made with WIC FMNP, WIC CVB, and SFMNP benefits;

(f) Accepting WIC FMNP, WIC CVB, and SFMNP benefits at unauthorized farmers markets, unauthorized mobile markets, or unauthorized farm stores;

(g) Collecting sales tax on WIC FMNP, WIC CVB, and SFMNP purchases;

(h) Seeking reimbursement after the transaction from participants for benefits not paid by the department; and

(i) Violating the rules of this chapter or the provisions of the contract.

(3) Authorized farmers markets, authorized mobile markets, authorized growers, and authorized farm stores found in noncompliance will be notified by the department in writing.

(4) If an authorized farmers market, authorized mobile market, authorized grower, or authorized farm store is subsequently found in noncompliance for the same or a similar reason, the department may impose sanctions, such as civil monetary penalties or disqualification, without giving the opportunity to correct the problem.

(5) Denials of authorizations and disqualifications are effective upon receipt of the notice of violation. When the department notifies an authorized farmers market, authorized mobile market, authorized grower, or authorized farm store of any other pending adverse action that affects their authorization status in the WIC FMNP, WIC CVB, and SFMNP, the department must mail written notice of violation at least 15 days before the effective date of the action. The notice of violation must state what action is being taken, the effective date of the action, and the procedure for requesting an appeal hearing.

(6) The department may deny payment to an authorized grower, authorized mobile market, or an authorized farm store for mishandling WIC FMNP, WIC CVB, and SFMNP benefits.

(7) The department may seek reimbursement from an authorized grower, authorized mobile market, or authorized farm store for payments made on ineligible transactions.

(8) Civil monetary penalties must be paid to the department within the time period specified in the notice of violation. The department may refer an authorized grower, authorized mobile market, or au-

thorized farm store who fails to pay within the specified time period to a commercial collection agency.

(9) An authorized farmers market, authorized mobile market, authorized grower, or authorized farm store that has been disqualified from the program may reapply at the end of the disqualification period.

(10) Any trafficking in WIC FMNP, WIC CVB, and SFMNP benefits in any amount must result in disqualification.

(11) An authorized farmers market, authorized mobile market, authorized grower, or authorized farm store who commits fraud or other unlawful activities is liable for prosecution according to federal program regulations at 7 C.F.R. 248.10(k).

(12) The department may sanction growers and authorized mobile markets for violations of WIC CVB, FMNP, and SFMNP requirements in accordance with the sanction table in the grower agreement. A violation occurs when a grower does not comply with WIC CVB, FMNP, and SFMNP requirements during the course of a single transaction involving one or more WIC CVB, FMNP, and SFMNP transactions. Sanctions may include vendor disqualification, civil monetary penalties, or both.

[Statutory Authority: RCW 43.70.700, 43.70.120, and 43.70.703. WSR 26-06-076, s 246-780-040, filed 3/2/26, effective 4/2/26. Statutory Authority: RCW 43.70.120 and 43.70.700. WSR 25-09-026, s 246-780-040, filed 4/7/25, effective 5/8/25. Statutory Authority: RCW 43.70.700. WSR 10-21-068, § 246-780-040, filed 10/15/10, effective 11/15/10. Statutory Authority: RCW 43.70.120 and 7 C.F.R. 248. WSR 00-07-129, § 246-780-040, filed 3/22/00, effective 4/22/00. Statutory Authority: RCW 43.70.120. WSR 96-01-085, § 246-780-040, filed 12/18/95, effective 1/18/96.]