



Food and
Nutrition
Service

Park Office
Center

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Alexandria
VA 22302

July 26, 2018

Retailer Policy and Management Division, SNAP
Notice 2018-01

SUBJECT: SNAP – Equal Treatment of SNAP Recipients and the Requirement to Submit FINI Retail Partner Outlet Information in USDA’s FINI Program

TO: All FINI Grantees, FINI Applicants, and FINI Retail Partner Outlets

This notice provides guidance to Food Insecurity Nutrition Incentive (FINI) grantees and FINI grant applicants regarding the application of the Supplemental Nutrition Assistance Program (SNAP) equal treatment provision and the requirement to submit FINI retail partner outlet information. This notice serves to amend and supersede the notice issued by the USDA’s Food and Nutrition Service (FNS) on June 20, 2016. While this notice has been sent directly to FINI grantees, this notice is intended for all FINI retail partner outlets and should be shared widely with all such entities.

The Agricultural Act of 2014 (the 2014 Farm Bill) amended the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), to authorize the FINI grant program. This program resulted in 31 grants totaling \$31.5 million awarded in April 2015, 27 grants totaling \$16.8 million awarded in June 2016, and 32 grants totaling \$16.8 million awarded in August 2017. The final round of grants will be announced in 2018. Per the 2014 Farm Bill, one of the primary objectives of the FINI grant program is to increase the purchase of fruits and vegetables by low-income consumers participating in SNAP by providing incentives at the point of purchase. The USDA National Institute of Food and Agriculture (NIFA) and USDA FNS jointly administer the FINI grant program.

SNAP Equal Treatment

SNAP regulations at 7 C.F.R. §278.2(b) and 7 C.F.R. §274.7(f) require that SNAP recipients receive treatment equal to that received by other customers at all stores authorized to participate in SNAP with the exception that sales tax may not be charged on eligible foods purchased with SNAP benefits. This equal treatment provision prohibits both negative treatment (such as discriminatory practices) as well as preferential treatment (such as incentive programs). Because the statutory language of the 2014 Farm Bill requires FINI grantees to provide incentives specifically to SNAP recipients, the SNAP equal treatment provision does not apply to FINI grantees for the purposes of providing incentives through FINI grant projects. Aside from the provision of incentives to SNAP recipients, the remainder of 7 C.F.R. §278.2(b) and 7 C.F.R. §274.7(f) regarding equal treatment is applicable to FINI grantees and their retail partner outlets. A FINI grantee who proposes to treat SNAP customers differently, beyond the allowed disbursement of incentives, must apply to USDA FNS for a waiver of SNAP regulations.

Submission of FINI Retail Partner Outlet Information

In order to enable USDA to safeguard the integrity of SNAP, evaluate the success of FINI grant projects, and ensure compliance with the terms and conditions of the FINI grant program, all FINI grantees are required to submit certain information to USDA NIFA and USDA FNS. These requirements include the submission of a complete list of the retail partner outlets, including farmers markets and direct marketing farmers, participating in the implementation of FINI grant projects. These requirements are laid out in the FINI Request for Applications (RFA).

The prior version of this notice required that FINI grantees provide a list of retail partner outlets in their initial proposal or within 30 calendar days of grant approval. Additionally, the prior version of this notice required that FINI grantees provide USDA FNS with quarterly updates including all participating retail partner outlets. This requirement in the prior version of this notice was separate from any evaluation reporting requirement. On the basis of feedback and internal review, USDA FNS has determined that this prior requirement was duplicative of information gathering conducted by the independent evaluation contractor (Westat).

As of the date of this notice, **FINI grantees are no longer required to provide USDA FNS with a quarterly update of participating retail partner outlets.**

USDA FNS, however, must still safeguard the integrity of the FINI grant program by ensuring that all participating FINI retail partner outlets are SNAP authorized and in good standing. As of the date of this notice, therefore, **whenever any FINI grantee seeks to add a new retail partner outlet to their FINI grant project, the grantee must provide USDA FNS with the retail partner outlet's information at least 30 calendar days prior to their involvement in the grant project.** Within 20 calendar days of receipt of this information, USDA FNS will approve or deny the retail partner outlet for grant project participation. The information should be reported to USDA FNS in the following spreadsheet format:

| FNS No. (7) | Store Name | Street Number | Street Name | City | State | ZIP 1 (5) | ZIP 2 (4) |
|----------------|---------------|------------------|----------------|------|-------|--------------|--------------|
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Please be aware that the FNS number is considered a sensitive piece of information that should be safeguarded by FINI grantees and not distributed outside of grantees' organizations except when reporting to USDA NIFA, USDA FNS, or the independent evaluation contractor (Westat). Access to FNS numbers should be limited to those within the grantees' organizations with a need to know. Whenever documents containing FNS numbers are transmitted, these documents should be password protected and the password should be separately conveyed to the intended recipient.

No retail partner outlet may participate in a FINI grant project without first being approved by USDA FNS to do so. All retail partner outlets must be SNAP authorized and in good standing in order to accept and disburse FINI incentive funds.

Upon SNAP authorization, every participating retail partner outlet must have its own unique FNS number as well as its own Electronic Benefit Transfer (EBT) point-of-sale (POS) device. In order to preserve Program integrity and to ensure that the effectiveness of the FINI grant program can be accurately evaluated, retail partner outlets may not share, borrow, or otherwise use the FNS number or EBT POS device of another SNAP authorized firm.

Retail food store owners and farmers market managers may apply online to get their firm authorized at <https://www.fns.usda.gov/snap/retailer-apply>. Questions about the requirements and process for SNAP authorization should be directed to the SNAP Retailer Service Center at (877) 823-4369. For general information on SNAP retailer eligibility rules, see <https://www.fns.usda.gov/snap/my-store-eligible>.

Please submit retail partner outlet information to FINI@fns.usda.gov. Questions regarding these requirements, general SNAP policy, or EBT systems may also be directed to Daniel Cline. He can be reached at Daniel.Cline@fns.usda.gov or (703)-605-4388.

Sincerely,

/s/

Andrea Gold
Director
Retailer Policy & Management Division