
**FOOD AND NUTRITION SERVICES MANUAL
GENERAL PROCEDURES & REQUIREMENTS**

FNS 110 PURPOSE AND AUTHORITY OF THE FOOD & NUTRITION SERVICES PROGRAM

FNS 110 Purpose and Authority of the Food and Nutrition Services Program

Change #1-2021

May 1, 2021

110.01 PURPOSE OF THE FOOD AND NUTRITION SERVICES PROGRAM

The Food and Nutrition Services (FNS) Program is designed to promote the general welfare and to safeguard the health and wellbeing of the nation's population by raising the levels of nutrition among low-income households. Section 2 of the Food and Nutrition Act of 2008 states, in part:

“Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of the Nation's agricultural abundance and will strengthen the Nation's agricultural economy, as well as result in more orderly marketing and distribution of foods. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.”

110.02 FOOD AND NUTRITION SERVICES PROGRAM AUTHORITY

- A. The FNS Program is authorized by the Food and Nutrition Act of 2008 (Title VI, As Amended through P.L. 110-246). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-285.
- B. Program operations are conducted in North Carolina under the terms of North Carolina General Statutes, Chapter 108, and Sections 51-53.1. The provisions of G.S. 108-51 are repeated below.

“108A-51 Authorization for Food and Nutrition Services. The Department is authorized to establish a statewide Food and Nutrition Services program as authorized by the Congress of the United States. The Department of Health and Human Services is designated as the State agency responsible for the supervision of such programs. The boards of county commissioners through the county departments of social services are held responsible for the administration and operation of the programs.”

110.03 FINANCIAL LIABILITIES

If United States Department of Agriculture determines negligence in the initial certification of applicant households, any subsequent certifications, or the issuance of benefits, the county will, on demand, pay a sum equal to the amount of any benefits issued as a result of such negligence or fraud. The county is liable for any overissuance of benefits as a result of errors by personnel.

FOOD AND NUTRITION SERVICES MANUAL

GENERAL PROCEDURES & REQUIREMENTS

FNS 110 PURPOSE AND AUTHORITY OF THE FOOD & NUTRITION SERVICES PROGRAM

110.04 COUPONS AS OBLIGATIONS OF THE UNITED STATES, CRIMES AND OFFENSES

- A. "Coupon" means any coupon, stamp, type of certificate, authorization card, cash, or check issued in lieu of a coupon or access device, including an electronic benefit transfer (EBT) card or personal identification number (PIN), issued pursuant to the provisions of this act.
- B. Food and Nutrition Services benefits are an obligation of the United States within the meaning of Section 8 of Title 18, United States Code. The provision of Title 18 of the United States Code, "Crimes and Criminal Procedure," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to Food and Nutrition Services benefits, authorization cards, and access device systems. Any unauthorized issuance, use, transfer, acquisition, alteration, possession, or presentation of benefits may subject any individual, partnership, corporation, or other legal entity to prosecution under Sections 15(b) and (c) of the Food and Nutrition Act or under any other applicable federal, State or local law, regulation, or ordinance. Sections 15(b) and (c) of the Food and Nutrition Act read as follows:

(b)(1) Subject to the provisions of paragraph (2) of this subsection, whoever knowingly uses, transfers, acquires, alters, or possesses benefits in any manner contrary to this act or the regulations issued pursuant to this act shall, if such benefits are of a value of \$5000 or more, be guilty of a felony and shall be fined not more than \$250,000 or imprisoned for not more than twenty years, or both, and shall, if such benefits are of the value of \$100 or more, but less than \$5000, or if the item used, transferred, acquired, altered, or possessed is an benefit that has a value of \$100 or more, but less than \$5000, (3) be guilty of a felony and shall, upon the first conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than six months nor more than five years and may also be fined not more than \$10,000 or, if such benefits are of a value of less than \$100, or if the item used, transferred, acquired, altered, or processed is an benefit that has a value of less than \$100, shall be guilty of a misdemeanor, and, upon the first conviction thereof, shall be fined not more than \$1000 or imprisoned for not more than one year, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than \$1000. In addition to such penalties, any person convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participating in the supplemental and nutrition assistance program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this act.

(b)(2) In the case of any individual convicted of an offense under paragraph (1) of this subsection, the court may permit such individual to perform work approved by the court for the purpose of providing restitution for losses incurred by the United States and the State agency as a result of the offense for which such individual was convicted. If the court permits such individual to perform such

FOOD AND NUTRITION SERVICES MANUAL

GENERAL PROCEDURES & REQUIREMENTS

FNS 110 PURPOSE AND AUTHORITY OF THE FOOD & NUTRITION SERVICES PROGRAM

work and such individual agrees thereto, the court shall withhold the imposition of the sentence on the condition that such individual performs the assigned work. Upon the successful completion of the assigned work the court may suspend such sentence.

(c) Whoever presents, or causes to be presented, benefits for payment of redemption of the value of \$100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this act or the regulations issued pursuant to this act, shall be guilty of a felony and, upon the first conviction thereof, shall be fined not more than \$20,000 or imprisoned for not more than five years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than one year nor more than five years and may also be fined not more than \$20,000, or, if such benefits are of a value of less than \$100, shall be guilty of a misdemeanor and, upon the first conviction thereof, shall be fined not more than \$1000 or imprisoned for not more than one year, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than \$1000. In addition to such penalties, any person convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the Supplemental Nutrition Assistance Program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this act.

110.05 BENEFITS AS INCOME

The Food and Nutrition Act of 2008, Section 8 (B) states as follows:

The value of benefits that may be provided under this act shall not be considered income or resources for any purpose under any federal, State, or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs, and no participating State of political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of benefits under this act.

110.06 DELIVERED MEALS

- A. Eligible FNS unit members and their spouses who are 60 years of age or over, housebound, physically disabled, or otherwise disabled to the extent that they are unable to adequately prepare all their meals, may use Food and Nutrition Services benefits to purchase meals prepared for and delivered to them by a non-profit meal delivery service authorized by FNS to accept FNS benefits.
- B. Advise the delivered meals household that their Food and Nutrition Service benefits may be used to purchase food in an authorized retail store as well as meals delivered by an authorized meal delivery service.

**FOOD AND NUTRITION SERVICES MANUAL
GENERAL PROCEDURES & REQUIREMENTS
FNS 110 PURPOSE AND AUTHORITY OF THE FOOD & NUTRITION SERVICES PROGRAM**

110.07 COMMUNAL DINING FACILITIES

Eligible FNS unit members 60 years of age or over and their spouses, or those receiving SSI and their spouses, may use benefits issued to them to purchase meals prepared especially for them at communal dining facilities authorized by FNS to accept Food and Nutrition Service benefits for that purpose.

110.08 IDENTIFICATION CARDS

Electronic Benefits Transfer (EBT) Cards

Each Food and Nutrition Services (FNS) household certified as eligible to participate in the program is issued an EBT card. This card is the required proof of eligibility issued to the households to use the Food and Nutrition Services benefits.