



OCT 04 2011

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – Offering to sell SNAP benefits and/or EBT cards publicly or online

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

The purpose of this memo is to transmit guidance regarding the sale of, or intent to sell, Supplemental Nutrition Assistance Program (SNAP) benefits and/or Electronic Benefit Transfer (EBT) cards in public or online through Web sites and social media such as Craig's List, Facebook, Twitter, eBay, etc. The Food and Nutrition Service (FNS) has reviewed this matter and considers the offer to sell SNAP benefits to be a violation of SNAP regulations, constituting an intentional Program violation (IPV).

The legal basis that an individual who offers to sell their benefits by either making their offer in a public way or posting their EBT card for sale online has committed an IPV is contained in the following regulations and statutory provisions:

- 7 CFR 273.16(c)(2) defines IPV to “consist of having intentionally committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of coupons, authorization cards or reusable documents used as part of an automated benefit delivery system (access device).” *See* Section 6(b) of the Food and Nutrition Act (the Act) for the statutory basis.
- 7 CFR 273.16(e)(6) states that “the hearing authority shall base the determination of intentional Program violation on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, intentional Program violation as defined in paragraph (c) of this section.”
- 7 CFR 274.7(a) requires that SNAP benefits be used only by household members to purchase eligible food for the household: “Program benefits may be used only by the household, or other persons the household selects, to purchase food for the household, which includes, for certain households, the purchase of prepared meals, and for other households residing in certain designated areas of Alaska, the purchase of hunting and fishing equipment with benefits.” *See* Section 7(b) of the Act for the statutory basis.

Section 7(b) of the Act and 7 CFR 274.7(a) lay out exactly how SNAP benefits must be used and that using SNAP benefits in any other way (e.g., posting your EBT card for sale online) would violate SNAP regulations and would constitute an IPV under 7 CFR 273.16(c)(2). The verbal offer of sale to another individual or the posting of an EBT card for sale online is evidence that the household member committed an IPV.

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.

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Please share this information with your States. If you have any questions about this policy, please contact Christine Daffan at 703-305-2473.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Griffin", with a long horizontal flourish extending to the right.

Laura Griffin
Acting Director
Program Accountability and Administration Division