

ASSEMBLY, No. 1935

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

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District 33 (Hudson)

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District 31 (Hudson)

SYNOPSIS

Establishes “Menstrual Hygiene Products Program,” appropriates \$200,000.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 9/15/2022)

1 AN ACT establishing the “Menstrual Hygiene Products Program,”
2 supplementing Title 4 of the Revised Statutes, and making an
3 appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. For the purposes of this act:

9 "Department" means the Department of Agriculture.

10 "Federal WIC program" means the Special Supplemental Nutrition
11 Program for Women, Infants and Children, established pursuant to the
12 federal "Child Nutrition Act of 1966," Pub.L.89-642 (42 U.S.C. s.1771
13 et seq.).

14 “Menstrual hygiene products” mean tampons and sanitary napkins
15 for use in connection with the menstrual cycle.

16 "New Jersey Supplementary Food Stamp Program" means the State
17 level food stamp program, established pursuant to P.L.1998, c.32
18 (C.44:10-79 et seq.), which applies to non-citizens who were rendered
19 ineligible for federal food stamp program assistance by section 402 of
20 the federal "Personal Responsibility and Work Opportunity
21 Reconciliation Act of 1996," Pub.L.104-193 (8 U.S.C. s.1612).

22 "Secretary" means the Secretary of Agriculture.

23 "Supplemental Nutrition Assistance Program" means the
24 supplemental nutrition assistance program, established pursuant to the
25 federal "Food and Nutrition Act of 2008," Pub.L.88-525 (7
26 U.S.C.s.2011 et seq.).

27 "Work First New Jersey" means the Work First New Jersey
28 temporary public assistance program, established pursuant to
29 P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with authorization
30 received under Title IV of the federal "Personal Responsibility and
31 Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 (8
32 U.S.C. s.1601 et seq.).

33 b. In order to promote and facilitate improved access to
34 menstrual hygiene products to low-income residents of the State,
35 the Department shall develop and assist in the implementation of a
36 menstrual hygiene products program, to be known as the
37 “Menstrual Hygiene Products Program.” No later than six months
38 after the effective date of P.L. , c. (C.) (pending before the
39 Legislature as this bill), the Department of Agriculture, in
40 consultation with the Department of Human Services and the
41 Department of Health and Senior Services, shall develop and
42 implement a Menstrual Hygiene Products Program.

43 c. The department shall identify, on its Internet website, the food
44 pantries participating in the program, and the times during which
45 each food pantry will be accessible for community residents to
46 obtain menstrual hygiene products.

47 d. Under the program, the Department of Agriculture shall
48 award annual grants to food pantries for the purchase of menstrual
49 hygiene products. Any costs incurred by a food pantry in providing

1 an adequate supply of menstrual hygiene products shall be borne by
2 the State.

3 e. An eligible individual is one who is currently enrolled as a
4 participant in:

- 5 (1) the Supplemental Nutrition Assistance Program;
- 6 (2) the federal WIC program;
- 7 (3) the New Jersey Supplementary Food Stamp Program;
- 8 (4) the Work First New Jersey program; or
- 9 (5) any other federal or State level nutrition or income
10 assistance program now or hereafter established by law.

11 f. As a part of the Menstrual Hygiene Products Program, the
12 Department of Agriculture shall be authorized to:

- 13 (1) coordinate and encourage partnerships between the
14 participating food pantries and pharmacies or other retail stores as
15 deemed necessary to better enable and ensure the prompt or
16 efficient delivery of menstrual hygiene products;
- 17 (2) take appropriate actions to encourage participation in the
18 initiative;
- 19 (3) develop educational and informational materials for
20 distribution to low-income individuals, which may incorporate
21 information pertaining to the importance of proper menstrual
22 hygiene products, or any other topic that is relevant to the work of
23 the initiative; and
- 24 (4) take such other actions, including but not limited to adopting
25 rules and regulations pursuant to the “Administrative Procedure
26 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), that the secretary deems
27 necessary or appropriate to implement the provisions of this act.

28 g. The secretary, in consultation with the Department of
29 Human Services and the Department of Health and Senior Services
30 shall, pursuant to the “Administrative Procedure Act,” P.L.1968,
31 c.410 (C.52:14B-1 et seq.), promulgate rules and regulations to
32 effectuate the purposes of P.L. , c. (C.) (pending before the
33 Legislature as this bill).

34
35 2. a. There is appropriated to the Department of Agriculture
36 \$200,000 from the General Fund to support the Menstrual Hygiene
37 Product Program established pursuant to section 1 of this act.

38 b. Each food pantry may apply for a grant of up to \$10,000
39 each year.

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41 3. This act shall take effect immediately.

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44 STATEMENT

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46 This bill would establish a “Menstrual Hygiene Products
47 Program” in order to promote and facilitate improved access to
48 menstrual hygiene products to low-income residents of the State.

1 Public concerns over “period poverty,” a term that refers to
2 inadequate access to menstrual hygiene products and education,
3 clean toilets, and handwashing facilities, has escalated since the
4 beginning of the coronavirus 2019 (COVID-19) pandemic as
5 numerous New Jersey residents face economic hardships due to
6 pandemic-related job losses and reduced hours of employment.
7 Federal statute and regulations prohibit enrollees in federal safety-
8 net programs for low-income individuals, such as the Medicaid
9 program, the Supplemental Nutrition Assistance Program, and the
10 Supplemental Nutrition Assistance Program for Women, Infants,
11 and Children, prohibit enrollees from using their benefits for the
12 purchase of menstrual hygiene products. Moreover, COVID-related
13 school closures have left some school-aged menstruators without
14 access to free menstrual hygiene products formerly accessed
15 through the school nurse or a teacher.

16 In order to promote and facilitate improved access to menstrual
17 hygiene products to low-income residents of the State, the
18 Department is required develop and assist in the implementation of
19 a menstrual hygiene products program, to be known as the
20 “Menstrual Hygiene Products Program.” The department is
21 required to identify, on its Internet website, the food pantries
22 participating in the program, and the times during which each food
23 pantry will be accessible for community residents to obtain
24 menstrual hygiene products. Under the program, the department is
25 required to award annual grants to food pantries for the purchase of
26 menstrual hygiene products. Any costs incurred by a food pantry in
27 providing an adequate supply of menstrual hygiene products will be
28 borne by the State.

29 An eligible individual is one who is currently enrolled as a
30 participant in:

- 31 (1) the Supplemental Nutrition Assistance Program;
- 32 (2) the federal WIC program;
- 33 (3) the New Jersey Supplementary Food Stamp Program;
- 34 (4) the Work First New Jersey program; or
- 35 (5) any other federal or State level nutrition or income
36 assistance program now or hereafter established by law.

37 f. As a part of the menstrual Hygiene Products Program, the
38 Department of Agriculture is authorized to:

- 39 (1) coordinate and encourage partnerships between the
40 participating food pantries and pharmacies or other retail stores as
41 deemed necessary to better enable and ensure the prompt or
42 efficient delivery of menstrual hygiene products;
- 43 (2) take appropriate actions to encourage participation in the
44 initiative;
- 45 (3) develop educational and informational materials for
46 distribution to low-income individuals, which may incorporate
47 information pertaining to the importance of proper menstrual

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1 hygiene products, or any other topic that is relevant to the work of
2 the initiative; and
3 (4) take such other actions, including but not limited to adopting
4 rules and regulations pursuant to the “Administrative Procedure
5 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), that the secretary deems
6 necessary or appropriate to implement the provisions of this act.
7 This bill appropriates \$200,000 to the Department of Agriculture
8 from the General Fund to support the Menstrual Hygiene Product
9 Program. Under the bill, each food may apply for a grant of up to
10 \$10,000 each year.