

[First Reprint]

## ASSEMBLY, No. 3208

# STATE OF NEW JERSEY

## 220th LEGISLATURE

INTRODUCED MARCH 7, 2022

**Sponsored by:**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman BRITNEE N. TIMBERLAKE**

**District 34 (Essex and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Co-Sponsored by:**

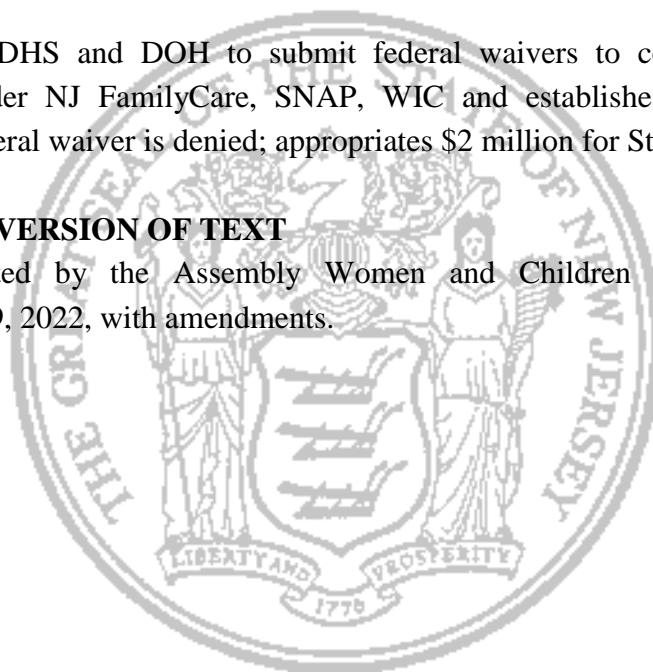
**Assemblywomen Jaffer, Carter, Haider, Assemblyman Benson,  
Assemblywomen McKnight, Murphy, Swain, Assemblyman Sampson,  
Assemblywomen Reynolds-Jackson, Park, Lopez, Jasey, Piperno and  
Eulner**

**SYNOPSIS**

Requires DHS and DOH to submit federal waivers to cover menstrual products under NJ FamilyCare, SNAP, WIC and establishes State funded benefit if federal waiver is denied; appropriates \$2 million for State benefit.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Women and Children Committee on September 29, 2022, with amendments.



**(Sponsorship Updated As Of: 2/27/2023)**

1 AN ACT concerning menstrual hygiene products <sup>1</sup>**[and]** <sup>1</sup>  
 2 supplementing Title 44 of the Revised Statutes <sup>1</sup>, and making an  
 3 appropriation<sup>1</sup>.

4  
 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 6 *of New Jersey:*

7  
 8 1. <sup>1</sup>**[a.** The State Medicaid program established pursuant to  
 9 P.L.1968, c.413 (C.30:4D-1 et seq.), the New Jersey Supplemental  
 10 Nutrition Assistance Program, established pursuant to the federal  
 11 "Food and Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011  
 12 et seq.), and the Special Supplemental Nutrition Program for  
 13 Women, Infants, and Children, established pursuant to the federal  
 14 "Child Nutrition Act of 1966," Pub.L.89-642 (42 U.S.C. s.1771 et  
 15 seq. shall include menstrual hygiene products among the covered  
 16 benefits available for all eligible recipients.

17 b. The Commissioner of Human Services shall consult and  
 18 coordinate with the Commissioner of Health on the establishment of  
 19 an educational and public awareness campaign to inform the public  
 20 about the provisions of this act and to ensure that eligible recipients  
 21 of the State Medicaid program, the New Jersey Supplemental  
 22 Nutrition Assistance Program, the Special Supplemental Nutrition  
 23 Program for Women, Infants, and Children, the Work First New  
 24 Jersey program, and the Temporary Assistance for Needy Families  
 25 program are aware of the new benefits made available to them  
 26 pursuant to subsection a. of this section, and shall post the  
 27 information provided through the campaign on each of their  
 28 departments' Internet sites.

29 c. The Commissioner of Human Services shall apply for such  
 30 State plan amendments or waivers as may be necessary to  
 31 implement the provisions of this section and to secure federal  
 32 financial participation for expenditures under any of the applicable  
 33 programs listed in subsection a. of this section.

34 d. As used in this section, "menstrual hygiene products" means  
 35 tampons, panty liners, menstrual cups, sanitary napkins, and other  
 36 similar products designed for a person's hygiene in connection with  
 37 the human menstrual cycle] As used in this act:

38 "Eligible recipient" means a menstruator who is a resident of this  
 39 State and is determined to meet the requirements necessary to  
 40 qualify for benefits under one of the following public assistance  
 41 programs: the NJ FamilyCare program, established pursuant to  
 42 P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.2005, c.156 (C.30:4J-8  
 43 et al.); the New Jersey Supplemental Nutrition Assistance Program,

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AWC committee amendments adopted September 29, 2022.

1 established pursuant to the federal “Food and Nutrition Act of  
2 2008,” Pub.L.110-246 (7 U.S.C. s.2011 et seq.); or the federal  
3 “Special Supplemental Nutrition Program for Women, Infants, and  
4 Children,” established pursuant to the federal “Child Nutrition Act  
5 of 1966,” Pub.L.89-642 (42 U.S.C. s.1771 et seq.).

6 “Menstrual hygiene products” means tampons, sanitary napkins,  
7 panty liners, menstrual cups, and other similar products designed  
8 for a person’s hygiene in connection with the human menstrual  
9 cycle<sup>1</sup>.

10  
11 <sup>1</sup>2. a. The Commissioner of Human Services shall submit an  
12 application for a waiver or a state plan amendment to provide  
13 menstrual hygiene products among the covered benefits available  
14 for eligible recipients under the following programs:

15 (1) the NJ FamilyCare program, established pursuant to  
16 P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.2005, c.156 (C.30:4J-8  
17 et al.); and

18 (2) the Supplemental Nutrition Assistance Program, established  
19 pursuant to the federal “Food and Nutrition Act of 2008,”  
20 Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

21 b. The Commissioner of Health shall submit an application for a  
22 waiver to provide menstrual hygiene products among the covered  
23 benefits available for eligible recipients under the Special  
24 Supplemental Nutrition Program for Women, Infants, and Children,  
25 established pursuant to the federal “Child Nutrition Act of 1966,”  
26 Pub.L.89-642 (42 U.S.C. s.1771 et seq.).<sup>1</sup>

27  
28 <sup>1</sup>3. a. If the federal government denies the applications  
29 submitted by the Commissioner of Human Services or the  
30 Commissioner of Health, pursuant to section 2 of this act, the  
31 Commissioner of Human Services, in consultation with the  
32 Commissioner of Health, shall establish a program to provide  
33 menstrual hygiene products to eligible recipients, in a quantity and  
34 through a process that the commissioner determines to be equitable.

35 b. The Commissioner of Human Services shall, as part of the  
36 eligibility determination process for the program established  
37 pursuant to subsection a. of this section, institute a process by  
38 which an eligible recipient shall certify the number of menstruators  
39 in the eligible recipient’s household who are under the age of 18  
40 and who qualify for menstrual hygiene products as a covered  
41 benefit.<sup>1</sup>

42  
43 <sup>1</sup>4. The Commissioner of Human Services shall consult and  
44 coordinate with the Commissioner of Health on the establishment of  
45 an educational and public awareness campaign to inform the public  
46 about the provisions of this act and to ensure that eligible recipients  
47 of the State Medicaid program, the New Jersey Supplemental

1 Nutrition Assistance Program, the Special Supplemental Nutrition  
2 Program for Women, Infants, and Children, the Work First New  
3 Jersey program, and the Temporary Assistance for Needy Families  
4 program are aware of the new benefits made available to them  
5 pursuant to subsection a. of this section, and shall post the  
6 information provided through the campaign on each of their  
7 departments' Internet sites.<sup>1</sup>

8  
9 <sup>1</sup>5. There is appropriated \$2,000,000 from the General Fund to  
10 the Department of Human Services to effectuate the requirements  
11 under this section. The availability of the amounts appropriated  
12 under this subsection shall be conditioned upon a federal denial of  
13 the applications submitted by the Departments of Human Services  
14 and Health, pursuant to section 2 of this act.<sup>1</sup>

15  
16 <sup>1</sup>[2.] <sup>1</sup>6.<sup>1</sup> This act shall take effect upon any federal <sup>1</sup>**[approval]**  
17 determination regarding the waiver application or state plan  
18 amendment submitted pursuant to section 2 of this act<sup>1</sup> and the  
19 acceptance of any such approval by the Department of <sup>1</sup>**[Health**  
20 **and] Human Services or**<sup>1</sup> the Department of <sup>1</sup>**[Human Services]**  
21 Health,<sup>1</sup> but the departments may take such anticipatory action in  
22 advance <sup>1</sup>thereof<sup>1</sup> as shall be necessary for the implementation <sup>1</sup>of  
23 the provisions of<sup>1</sup> this act.