

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3208

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 2022

The Assembly Women and Children Committee reports favorably Assembly Bill No. 3208 with committee amendments.

As amended by the committee, this bill requires the Commissioner of Human Services and the Commissioner of Health to submit an application for a waiver or a state plan amendment to provide menstrual hygiene products among the covered benefits available for eligible recipients through the NJ FamilyCare program, the New Jersey Supplemental Nutrition Assistance Program (SNAP), and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). As introduced, A3208 required coverage of menstrual hygiene products under the State Medicaid program, the SNAP, and the WIC, and directed the Commissioner of Human Services to apply for any federal waivers or state plan amendments necessary to secure federal matching funds for State expenditures for covered menstrual hygiene products under the Medicaid, SNAP or WIC programs.

The amended bill stipulates that, if the federal government denies the State's waiver application or state plan amendment, the Commissioner of Human Services, in consultation with the Commissioner of Health, is to establish a program to provide menstrual hygiene products to eligible beneficiaries, in a quantity and through a process determined to be equitable. Under the program, the Commissioner of Human Services would establish a process through which an eligible beneficiary would certify the number of menstruators in the beneficiary's household who are minors and who qualify for the menstrual hygiene products benefit.

The bill additionally requires the Commissioner of Human Services to consult and coordinate with the Commissioner of Health on the establishment of an educational and public awareness campaign to inform the public about the provisions of bill and to ensure that eligible recipients of the public assistance programs covered under the bill are aware of the new benefits made available to them, and to post the information provided through the campaign on each of the departments' Internet sites.

The bill, as amended, appropriates \$2 million to the Department of Health for the menstrual hygiene products benefit. The provisions of

the bill will take effect upon any federal determination regarding the waiver application or state plan amendment submitted by the State, and the acceptance of any federal approval by the Departments of Human Services and Health; however, the departments are authorized to take any anticipatory action in advance of the federal determination as may be necessary to implement the requirements under the bill.

As defined in the bill, “menstrual hygiene products” means tampons, panty liners, menstrual cups, sanitary napkins, and other similar products designed for a person’s hygiene in connection with the human menstrual cycle.

The bill, as amended by the committee, defines an “eligible recipient” as a menstruator who is a State resident and is determined to meet the eligibility requirements for benefits under NJ FamilyCare, SNAP, or WIC.

COMMITTEE AMENDMENTS

The committee amendments require the Commissioner of Human Services to submit a federal waiver application or state plan amendment to provide menstrual hygiene products among the covered benefits under the NJ FamilyCare program and the Supplemental Nutrition Assistance Program (SNAP). The amendments also require the Commissioner of Health to submit a federal waiver application to provide menstrual hygiene products through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

The committee amendments provide that, if the federal government denies the State’s waiver applications or state plan amendments, the Commissioner of Human, in consultation with the Commissioner of Health, is to establish a program to provide menstrual hygiene products to eligible beneficiaries under the NJ FamilyCare, SNAP, or WIC programs, in a quantity and through a process that the Commissioner of Human Services determines to be equitable.

The committee amendments further provide that, as part of the eligibility determination process for the menstrual hygiene products benefit program, the Commissioner of Human Services is to institute a process through which an eligible individual is to certify the number of menstruators residing in the eligible recipient’s household who are minors and also qualify for menstrual hygiene products as a covered benefit.

The committee amendments require that the Commissioner of Human Services, in consultation and coordination with the Commissioner of Health, establish an educational and public awareness campaign to inform the general public, and individuals enrolled in the NJ FamilyCare, SNAP, and WIC programs regarding the new menstrual hygiene products benefit. The Departments of Human Services and Health are additionally required to post the

information provided through the public awareness campaign on their respective Internet sites.

The committee amendments appropriate \$2 million to the Department of Human Services to implement the State-funded menstrual hygiene products benefit; however, this appropriation is conditioned upon federal denial of the State waiver applications and state plan amendments to provide menstrual hygiene products as a covered benefit through the federal Medicaid program, the SNAP, and the WIC.

The committee amendments provide that the provisions of the bill will become effective upon any federal determination regarding the State's waiver application or state plan amendment and the acceptance of any federal approval by the Departments of Human Services or Health. The committee amendments stipulate that the Commissioners of Human Services and Health may take such anticipatory action in advance thereof as may be necessary for the implementation of the provisions of this act.