

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3208

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3208 (1R).

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.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that State costs will potentially increase under the bill by an indeterminate amount. Different State cost scenarios will emerge depending on whether or not the federal government approves the State’s waiver applications to provide menstrual hygiene products among the covered benefits through the State Medicaid Program, commonly known as NJ FamilyCare, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), or the Supplemental Nutrition Assistance Program (SNAP).

As of the date of this estimate, the OLS is not aware of any federal waiver approvals for the use of federal assistance funds to provide menstrual hygiene products through Medicaid, the SNAP, or the WIC.

In the event that the State’s Medicaid waiver application is approved, the State would realize an indeterminate amount of annual revenue from federal reimbursements. The State would not realize any revenues under the other two federal programs, or if it originates a State-funded program.

Annual State costs will increase by up to \$2 million in the first year of the program’s implementation if the Department of Human Services is required to establish a State-funded program to provide menstrual hygiene products to eligible beneficiaries in the event that the State waiver applications are denied by the federal government. State costs thereafter are indeterminate.

The timing of any fiscal impact is presently unknown as the provisions of the bill will take effect only when there is a federal government decision regarding the State’s waiver applications, and the acceptance of any federal approval by the Department of Human Services and the Department of Health.