

[First Reprint]

SENATE, No. 539

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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District 29 (Essex)

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SYNOPSIS

Permits online purchase of eligible foods using WIC funds, carryover of unused WIC benefit amounts, and use of WIC funds for grocery delivery charges and certain infant formula.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 6, 2022, with amendments.



1 AN ACT concerning the New Jersey Special Supplemental Nutrition
 2 Program for Women, Infants, and Children, and supplementing
 3 Title 26 of the New Jersey Statutes.

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

7
 8 1. As used in this act:

9 ¹["Electronic benefits transfer" means a method that permits
 10 electronic access to Special Supplemental Nutrition Program for
 11 Women, Infants, and Children (WIC) food benefits using a card or
 12 other access device approved by the Secretary of the United States
 13 Department of Agriculture.]¹

14 "Food instrument" means a voucher, check, electronic benefits
 15 transfer card, coupon, or other document which is used by a
 16 participant in the WIC program to obtain supplemental foods.

17 ¹"WIC" means the federal Special Supplemental Nutrition
 18 Program for Women, Infants, and Children, established pursuant to
 19 the "Child Nutrition Act of 1966," Pub.L.89-642 (42 U.S.C. s.1771
 20 et seq.).¹

21
 22 ¹[2. a. Notwithstanding any other provision of law to the
 23 contrary, the Commissioner of Health shall implement an electronic
 24 benefits transfer system in every county of the State for benefits
 25 provided under the federal "Special Supplemental Nutrition
 26 Program for Women, Infants, and Children" (WIC), established
 27 pursuant to the "Child Nutrition Act of 1966," Pub.L.89-642 (42
 28 U.S.C. s.1771 et seq.), that meets all federal requirements and
 29 specifications for such a system.

30 b. The Department of Health shall issue an electronic benefits
 31 transfer card to all individuals receiving benefits under the WIC
 32 program, which may be used to purchase WIC-eligible foods at an
 33 authorized New Jersey WIC vendor.]¹

34
 35 ¹[3.] 2.¹ a. Notwithstanding any other provision of law to the
 36 contrary, an individual who receives benefits under the WIC
 37 program shall be permitted to:

38 (1) purchase WIC-eligible foods using the online platform of an
 39 authorized New Jersey WIC vendor, including an approved vendor
 40 which operates predominantly as an online retailer;

41 (2) expend a portion of the total value of the individual's WIC
 42 check, cash value voucher or electronic benefits during a single
 43 transaction, and carry forward any remaining fund balance for use
 44 during a future retail transaction; ¹[and,]¹

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:

¹Senate SBA committee amendments adopted June 6, 2022.

1 (3) utilize funds available through any New Jersey WIC food
2 instrument to pay the delivery charge levied by an authorized New
3 Jersey WIC vendor for home delivery of the individual's WIC-
4 eligible purchase¹ ; and
5 (4) purchase infant formula in containers of varying sizes and
6 non-contract brands¹.
7 b. The Commissioner of Health shall apply to the Food and
8 Nutrition Service within the United States Department of
9 Agriculture for any necessary waivers or approvals to implement
10 the provisions of this section ¹, which shall include a request for the
11 permanent waiver of 7 CFR 246.10(e)(9) and 7 CFR
12 246.10(d)(1)(i)¹.
13
14 ¹**[4.]** 3.¹ The Commissioner of Health shall adopt such rules
15 and regulations, pursuant to the "Administrative Procedure Act,"
16 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
17 implement the provisions of this act.
18
19 ¹**[5.]** 4.¹ This act shall take effect immediately.