

SENATE, No. 2189

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Transfers authority over special nutrition assistance programs from DOH to DHS.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** transferring authority over special nutrition assistance
2 programs from the Department of Health to the Department of
3 Human Services, and supplementing Title 44 of the Revised
4 Statutes.

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

8
9 1. a. As used in this section, “special nutrition assistance
10 program” means the “Special Supplemental Nutrition Program for
11 Women, Infants, and Children” (WIC Program), established
12 pursuant to section 17 of the “Child Nutrition Act of 1966,”
13 Pub.L.89-642 (42 U.S.C. s.1786); the “WIC Farmers’ Market
14 Nutrition Program,” established pursuant to the federal “WIC
15 Farmers’ Market Nutrition Act of 1992,” Pub.L.102-314
16 (42 U.S.C. s.1786(m)); the “Senior Farmers’ Market Nutrition
17 Program,” established pursuant to Pub.L.107-171 (7 U.S.C. s.3007);
18 and the “Commodity Supplemental Food Program,” established
19 pursuant to sections 4 and 5 of the federal “Agriculture and
20 Consumer Protection Act of 1973,” Pub.L.93-86 (7 U.S.C. s.612c
21 note).

22 b. Notwithstanding any other law or regulation to the contrary,
23 all special nutrition assistance programs operating in the State shall
24 be administered and enforced by the Department of Human
25 Services.

26 c. All of the functions, powers, and duties heretofore exercised
27 by the Department and Commissioner of Health with respect to the
28 administration or enforcement of special nutrition assistance
29 programs in the State, including, without limitation, those functions,
30 powers, and duties derived from 7 U.S.C. s.3007, 42 U.S.C. s.1786,
31 7 U.S.C. s.612c note, and any amendments or supplements thereto,
32 are hereby transferred to, and vested in, the Department and
33 Commissioner of Human Services.

34 d. All appropriations, grants, and other moneys that are
35 currently available, or that are to be made available, to the
36 Department of Health for the purposes of administering or
37 enforcing any special nutrition assistance program, including, but
38 not limited to, any moneys available from the “Supplemental
39 Nutrition Assistance Contingency Fund,” established pursuant to
40 P.L.1987, c.261 (C.26:1A-36.1 et seq.), are hereby transferred to
41 the Department of Human Services. Such moneys shall be used by
42 the Department of Human Services for the objects and purposes
43 specified in the grant, appropriation, or other award, subject to any
44 terms, restrictions, limitations, or other requirements imposed by
45 State or federal law.

46 e. All files, books, papers, records, equipment, and other
47 property used by the Department of Health for the primary purpose
48 of administering and enforcing a special nutrition assistance

1 program shall, upon the effective date of this section, be transferred
2 to the Department of Human Services.

3 f. Whenever, in any law, rule, regulation, contract, order,
4 reorganization plan, document, judicial or administrative
5 proceeding, or otherwise, reference is made to the Special
6 Supplemental Nutrition Program for Women, Infants, and Children,
7 (WIC program), the WIC Farmers' Market Nutrition Program, the
8 Senior Farmers' Market Nutrition Program, or the Commodity
9 Supplemental Food Program, the same shall be deemed to mean and
10 refer to the Special Supplemental Nutrition Program for Women,
11 Infants, and Children (WIC program), the WIC Farmers' Market
12 Nutrition Program, the Senior Farmers' Market Nutrition Program,
13 or the Commodity Supplemental Food Program, as the case may be,
14 which is administered and enforced by the Department of Human
15 Services, as provided by this section.

16 g. The transfer of authority under this section shall not affect
17 any order, rule, or regulation made or promulgated by the
18 Department of Health prior to the effective date of the transfer, and
19 any such orders, rules, and regulations shall continue with full force
20 and effect until amended or repealed pursuant to law.

21 h. The transfer of authority under this section shall not affect
22 any civil or criminal actions or proceedings that have been brought
23 by or against the Department of Health in association with its
24 administration and enforcement of a special nutrition assistance
25 program, and which are pending as of the effective date of this
26 section; nor shall the transfer affect any order or recommendation
27 that has been made by, or any other matters or administrative
28 proceedings that are pending before, the Department of Health as of
29 the effective date of this section.

30
31 2. This act shall take effect on the first day of the third month
32 next following the date of enactment, except that the
33 Commissioners of Health and Human Services shall take any
34 anticipatory administrative action, in advance thereof, as may be
35 necessary for the implementation of this act.

36 37 38 STATEMENT

39
40 This bill would transfer authority over all special nutrition
41 assistance programs in the State from the Department of Health
42 (DOH) to the Department of Human Services (DHS). A "special
43 nutrition assistance program" is defined to include the "Special
44 Supplemental Nutrition Program for Women, Infants, and Children"
45 (otherwise known as the WIC program), which provides nutrition
46 assistance to low-income pregnant and lactating women, and to
47 infants and children under five years of age, who are determined to
48 be at nutritional risk; the "WIC Farmers' Market Nutrition

1 Program,” which provides recipients of WIC program benefits with
2 coupons that may be exchanged for fresh, nutritious, unprepared
3 foods at farmers’ markets and road stands; the “Senior Farmers’
4 Market Nutrition Program,” which provides low-income seniors
5 with coupons that may be exchanged for fresh, nutritious,
6 unprepared foods at farmers’ markets, roadside stands, and
7 community-supported agriculture programs; and the “Commodity
8 Supplemental Food Program,” which provides diverted food in
9 commodities boxes to low-income seniors.

10 Although the DOH currently has authority to administer and
11 enforce all of these special nutrition assistance programs, this
12 authority is anomalous, given the fact that it is the DHS, and not the
13 DOH, that is the agency with the authority to administer all other
14 public benefits programs in the State, including the Supplemental
15 Nutrition Assistance Program (SNAP; previously known as the
16 Food Stamp Program), the WorkFirstNJ program, Medicaid, and NJ
17 FamilyCare. The transfer of special nutrition assistance programs to
18 DHS, therefore, will centralize the administration of public benefits
19 in the State by ensuring that all public benefits programs are
20 overseen by a single State agency. In so doing, this transfer will
21 increase efficiency in the administration of public benefits programs
22 and make it easier for consumers to find information on, and make
23 use of, these programs.