

SENATE, No. 539

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Requires DOH to issue WIC electronic benefits transfer cards; permits online purchase of eligible foods using WIC funds and carryover of unused WIC benefit amounts; authorizes use of WIC funds for grocery delivery charges.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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 “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.

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

26 b. The Department of Health shall issue an electronic benefits
27 transfer card to all individuals receiving benefits under the WIC
28 program, which may be used to purchase WIC-eligible foods at an
29 authorized New Jersey WIC vendor.

30
31 3. a. Notwithstanding any other provision of law to the contrary,
32 an individual who receives benefits under the WIC program shall be
33 permitted to:

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

37 (2) expend a portion of the total value of the individual’s WIC
38 check, cash value voucher or electronic benefits during a single
39 transaction, and carry forward any remaining fund balance for use
40 during a future retail transaction; and,

41 (3) utilize funds available through any New Jersey WIC food
42 instrument to pay the delivery charge levied by an authorized New
43 Jersey WIC vendor for home delivery of the individual’s WIC-
44 eligible purchase.

45 b. The Commissioner of Health shall apply to the Food and
46 Nutrition Service within the United States Department of Agriculture
47 for any necessary waivers or approvals to implement the provisions
48 of this section.

1 4. The Commissioner of Health shall adopt such rules and
2 regulations, pursuant to the “Administrative Procedure Act,”
3 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
4 implement the provisions of this act.

5
6 5. This act shall take effect immediately.

7
8
9 STATEMENT

10
11 This bill expands the types of transactions that individuals who
12 participate in the Special Supplemental Nutrition Program for
13 Women, Infants, and Children (WIC) can make using a WIC
14 financial instrument, such as a WIC check, cash value voucher
15 (CVV), or electronic benefits transfer (EBT) card. The bill directs
16 the Commissioner of Health to establish an EBT system for the WIC
17 program in New Jersey and issue an EBT card to all WIC
18 beneficiaries for use when purchasing WIC-eligible foods at an
19 authorized New Jersey WIC vendor.

20 Under the bill, program participants may utilize a WIC financial
21 instrument to purchase WIC-eligible foods through the online
22 platform of either a New Jersey WIC-authorized vendor or an
23 authorized vendor whose retail presence in the State is primarily as
24 an online retailer. WIC participants could also use their WIC benefit
25 to pay a delivery charge, levied by an authorized New Jersey WIC
26 vendor, for home-delivery of a WIC-eligible foods purchase. Finally,
27 this bill would allow WIC participants to expend a portion of the full
28 value of their WIC check, EBT or CVV during a transaction, and
29 carry forward any funds balance to use in a future transaction.
30 Currently, WIC participants are not permitted to carry forward
31 unused benefit amounts into a subsequent month.

32 The bill directs the Commissioner of Health to apply to the Food
33 and Nutrition Service within the United States Department of
34 Agriculture for any federal waivers or approvals needed to implement
35 these changes to the New Jersey WIC program. The commissioner
36 is also authorized to adopt any rules and regulations needed to
37 implement the provisions of this bill.

38 WIC is a federal program that provides nutritious foods, nutrition
39 education, breastfeeding support, and health care referrals to
40 pregnant, postpartum, or breastfeeding women, infants, and children
41 aged five years and under, who are low income and at nutritional risk.
42 The WIC program is administered at the federal level by the Food
43 and Nutrition Service within the United States Department of
44 Agriculture, but is administered at the State and local level. In New
45 Jersey, the Department of Health administers the WIC program, in
46 conjunction with WIC Local Agencies in all 21 counties.

47 Although the New Jersey WIC program does not currently provide
48 EBT cards to WIC participants, the Department of Health website

S539 RUIZ, POU

4

1 states that the department's new WIC EBT system, named eWIC, will
2 be available for use throughout the State by the end of 2020. This
3 will bring the State into compliance with USDA regulations (7 C.F.R.
4 s.246.12).