

ASSEMBLY, No. 5922

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 21, 2021

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

SYNOPSIS

Establishes “Menstrual Hygiene Product Pilot Program,” appropriates \$60,000.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a “Menstrual Hygiene Product Pilot Program,”
2 supplementing Title 4 of the Revised Statutes, and making an
3 appropriation.

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

7
8 1. a. As used in this section:

9 "Department" means the Department of Agriculture.

10 "Federal WIC program" means the Special Supplemental Nutrition
11 Program for Women, Infants and Children, established pursuant to the
12 federal "Child Nutrition Act of 1966," Pub.L.89-642 (42 U.S.C. s.1771
13 et seq.).

14 “Menstrual hygiene products” mean tampons and sanitary napkins
15 for use in connection with the menstrual cycle.

16 "New Jersey Supplementary Food Stamp Program" means the State
17 level food stamp program, established pursuant to P.L.1998, c.32
18 (C.44:10-79 et seq.), which applies to non-citizens who were rendered
19 ineligible for federal food stamp program assistance by section 402 of
20 the federal "Personal Responsibility and Work Opportunity
21 Reconciliation Act of 1996," Pub.L.104-193 (8 U.S.C. s.1612).

22 "Secretary" means the Secretary of Agriculture.

23 "Supplemental Nutrition Assistance Program" means the
24 supplemental nutrition assistance program, established pursuant to the
25 federal "Food and Nutrition Act of 2008," Pub.L.88-525 (7
26 U.S.C.s.2011 et seq.).

27 "Work First New Jersey" means the Work First New Jersey
28 temporary public assistance program, established pursuant to
29 P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with authorization
30 received under Title IV of the federal "Personal Responsibility and
31 Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 (8
32 U.S.C. s.1601 et seq.).

33 b. In order to promote and facilitate improved access to
34 menstrual hygiene products to low-income residents of the State,
35 the Department of Agriculture shall develop and assist in the
36 implementation of a menstrual hygiene product pilot program, to be
37 known as the “Menstrual Hygiene Product Pilot Program.” No later
38 than six months after the effective date of this act, the Department
39 of Agriculture, in consultation with the Department of Human
40 Services and the Department of Health and Senior Services, shall
41 develop and implement a three-year Menstrual Hygiene Product
42 Pilot Program.

43 c. The Secretary of Agriculture shall select for participation in
44 the pilot program no less than one food pantry in each of the
45 northern, central, and southern regions of the State.

46 d. The Department of Agriculture shall identify, on its Internet
47 website, the food pantries selected for participation, and the times

1 during which each food pantry will be accessible for community
2 residents to obtain menstrual hygiene products.

3 e. (1) Under the pilot program, the Department of Agriculture
4 shall award grants of up to \$20,000 to each food pantry that is
5 selected to participate in the pilot program to purchase menstrual
6 hygiene products. Any costs incurred by a food pantry in providing
7 an adequate supply of menstrual hygiene products shall be borne by
8 the State.

9 (2) A food pantry selected to participate in the pilot program
10 shall make available menstrual hygiene products to any eligible
11 individual at no charge.

12 f. An eligible individual is one who is currently enrolled as a
13 participant in:

14 (1) the Supplemental Nutrition Assistance Program;

15 (2) the federal WIC program;

16 (3) the New Jersey Supplementary Food Stamp Program;

17 (4) the Work First New Jersey program; or

18 (5) any other federal or State level nutrition or income
19 assistance program now or hereafter established by law.

20 g. The food pantries selected to participate in the pilot program
21 shall submit reports periodically, as determined by the Department
22 of Agriculture, detailing the costs associated with providing the
23 menstrual hygiene products, the demand for the products, and the
24 sufficiency of the grants under the program. The Department of
25 Agriculture shall collect any additional information and data
26 necessary to complete the report required to be submitted to the
27 Governor and Legislature pursuant to subsection i. of this section.

28 h. As a part of the Menstrual Hygiene Product Pilot Program,
29 the Department of Agriculture shall be authorized to:

30 (1) coordinate and encourage partnerships between the
31 participating food pantries and pharmacies or other retail stores as
32 deemed necessary to better enable and ensure the prompt or
33 efficient delivery of menstrual hygiene products;

34 (2) take appropriate actions to encourage participation in the
35 initiative;

36 (3) develop educational and informational materials for
37 distribution to low-income individuals, which may incorporate
38 information pertaining to the importance of proper menstrual
39 hygiene products, or any other topic that is relevant to the work of
40 the initiative; and

41 (4) take such other actions, including but not limited to adopting
42 rules and regulations pursuant to the "Administrative Procedure
43 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), that the Secretary of
44 Agriculture deems necessary or appropriate to implement the
45 provisions of this act.

46 i. The Department of Agriculture shall submit a "Menstrual
47 Hygiene Product Pilot Program" report to the Governor and,

1 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
2 Legislature no later than six months after the completion of the
3 three-year pilot program. The report shall include, but not be
4 limited to:

5 (1) a description and comprehensive review of the pilot
6 program, including but not limited to, an evaluation of the pilot
7 program's effectiveness, the demand for the products at each food
8 pantry, the sufficiency of the grant amounts provided to each food
9 pantry, the potential benefits of providing menstrual hygiene
10 products to food pantries in the State and a recommendation on the
11 feasibility and desirability of continuing the pilot program and
12 expanding it to other food pantries in the State;

13 (2) an analysis of the impact the pilot program had on the
14 recipients' physical and mental health, improved quality of life,
15 independence, employment status, and educational outcomes; and

16 (3) any additional information the Department of Agriculture
17 determines is necessary to evaluate the future implementation of
18 menstrual hygiene products in food pantries in the State.

19
20 2. a. There is appropriated to the Department of Agriculture
21 \$60,000 from the General Fund to support the Menstrual Hygiene
22 Product Pilot Program established pursuant to section 1 of this act.

23 b. Each food pantry selected to participate in the program will
24 receive a grant of up to \$20,000.

25
26 3. This act shall take effect immediately.
27
28

29 STATEMENT

30
31 This bill would establish a three- year "Menstrual Hygiene
32 Product Pilot Program" in order to promote and facilitate improved
33 access to menstrual hygiene products to low-income residents of the
34 State.

35 Public concerns over "period poverty," a term that refers to
36 inadequate access to menstrual hygiene products and education,
37 clean toilets, and handwashing facilities, has escalated since the
38 beginning of the coronavirus 2019 (COVID-19) pandemic as
39 numerous New Jersey residents face economic hardships due to
40 pandemic-related job losses and reduced hours of employment.
41 Federal statute and regulations prohibit enrollees in federal safety-
42 net programs for low-income individuals, such as the Medicaid
43 program, the Supplemental Nutrition Assistance Program, and the
44 Supplemental Nutrition Assistance Program for Women, Infants,
45 and Children, prohibit enrollees from using their benefits for the
46 purchase of menstrual hygiene products. Moreover, COVID-related
47 school closures have left some school-aged individuals without

1 access to free menstrual hygiene products formerly accessed
2 through the school nurse or a teacher.

3 In order to promote and facilitate improved access to menstrual
4 hygiene products to low-income residents of the State, the
5 Department of Agriculture is required develop and assist in the
6 implementation of a menstrual hygiene product pilot program, to be
7 known as the “Menstrual Hygiene Product Pilot Program.” No later
8 than six months after the effective date of this bill, the Department
9 of Agriculture, in consultation with the Department of Human
10 Services and the Department of Health and Senior Services, is
11 required to develop and implement a three-year Menstrual Hygiene
12 Product Pilot Program.

13 The Secretary of the Department of Agriculture is required to
14 select for participation in the pilot program no less than one food
15 pantry in each of the northern, central, and southern regions of the
16 State. The Department of Agriculture is required to identify, on its
17 Internet website, the food pantries selected for participation, and the
18 times during which each food pantry will be accessible for
19 community residents to obtain menstrual hygiene products. The
20 food pantry would make menstrual hygiene products available to
21 eligible individuals at no charge.

22 Under the pilot program, the Department of Agriculture is
23 required to award grants to food pantries that are selected to
24 participate in the pilot program to purchase menstrual hygiene
25 products. Any costs incurred by a food pantry in providing an
26 adequate supply of menstrual hygiene products will be borne by the
27 State.

28 An eligible individual is one who is currently enrolled as a
29 participant in:

- 30 (1) the Supplemental Nutrition Assistance Program;
31 (2) the federal WIC program;
32 (3) the New Jersey Supplementary Food Stamp Program;
33 (4) the Work First New Jersey program; or
34 (5) any other federal or State level nutrition or income
35 assistance program now or hereafter established by law.

36 The food pantries selected to participate in the pilot program are
37 required to submit reports periodically, as determined by the
38 Department of Agriculture, detailing the costs associated with
39 providing the menstrual hygiene products. The Department of
40 Agriculture is required to collect any additional information and
41 data necessary to complete the report required to be submitted to
42 the Governor and Legislature pursuant to subsection i. of this bill.

43 As a part of the Menstrual Hygiene Product Pilot Program, the
44 Department of Agriculture is authorized to:

- 45 (1) coordinate and encourage partnerships between the
46 participating food pantries and pharmacies or other retail stores as

1 deemed necessary to better enable and ensure the prompt or
2 efficient delivery of menstrual hygiene products;

3 (2) take appropriate actions to encourage participation in the
4 initiative;

5 (3) develop educational and informational materials for
6 distribution to low-income individuals, which may incorporate
7 information pertaining to the importance of proper menstrual
8 hygiene products, or any other topic that is relevant to the work of
9 the initiative; and

10 (4) take such other actions, including but not limited to adopting
11 rules and regulations pursuant to the “Administrative Procedure
12 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), that the Secretary of the
13 Department of Agriculture deems necessary or appropriate to
14 implement the provisions of this act.

15 The Department of Agriculture is required to submit a
16 “Menstrual Hygiene Product Pilot Program” report to the Governor
17 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
18 Legislature no later than six months after the completion of the
19 three-year pilot program. The report is required to include, but not
20 be limited to:

21 (1) a description and comprehensive review of the pilot
22 program, including but not limited to, an evaluation of the pilot
23 program’s effectiveness, the potential benefits of providing
24 menstrual hygiene products to food pantries in the State and a
25 recommendation on the feasibility and desirability of continuing the
26 pilot program and expanding it to other food pantries in the State;

27 (2) an analysis of the impact the pilot program has had on
28 recipients’ physical and mental health, improved quality of life,
29 independence, employment status, and educational outcomes; and

30 (3) any additional information the Department of Agriculture
31 determines is necessary to evaluate the future implementation of
32 menstrual hygiene products in food pantries in the State.

33 This bill appropriates \$60,000 to the Department of Agriculture
34 from the General Fund to support the Menstrual Hygiene Product
35 Pilot Program. Under the bill, each food pantry selected to
36 participate in the program will receive a grant of up to \$20,000.