

**ASSEMBLY, No. 5923**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

INTRODUCED JUNE 21, 2021

**Sponsored by:**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Establishes “Menstrual Hygiene Products Program,” appropriates \$200,000.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT establishing the “Menstrual Hygiene Products 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. For the purposes of this act:

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 shall develop and assist in the implementation of a  
36 menstrual hygiene products program, to be known as the  
37 “Menstrual Hygiene Products Program.” No later than six months  
38 after the effective date of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill), the Department of Agriculture, in  
40 consultation with the Department of Human Services and the  
41 Department of Health and Senior Services, shall develop and  
42 implement a Menstrual Hygiene Products Program.

43 c. The department shall identify, on its Internet website, the food  
44 pantries participating in the program, and the times during which  
45 each food pantry will be accessible for community residents to  
46 obtain menstrual hygiene products.

1 d. Under the program, the Department of Agriculture shall  
2 award annual grants to food pantries for the purchase of menstrual  
3 hygiene products. Any costs incurred by a food pantry in providing  
4 an adequate supply of menstrual hygiene products shall be borne by  
5 the State.

6 e. An eligible individual is one who is currently enrolled as a  
7 participant in:

8 (1) the Supplemental Nutrition Assistance Program;

9 (2) the federal WIC program;

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

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

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

14 f. As a part of the Menstrual Hygiene Products Program, the  
15 Department of Agriculture shall be authorized to:

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

20 (2) take appropriate actions to encourage participation in the  
21 initiative;

22 (3) develop educational and informational materials for  
23 distribution to low-income individuals, which may incorporate  
24 information pertaining to the importance of proper menstrual  
25 hygiene products, or any other topic that is relevant to the work of  
26 the initiative; and

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

31 g. The secretary, in consultation with the Department of  
32 Human Services and the Department of Health and Senior Services  
33 shall, pursuant to the “Administrative Procedure Act,” P.L.1968,  
34 c.410 (C.52:14B-1 et seq.), promulgate rules and regulations to  
35 effectuate the purposes of P.L. , c. (C. ) (pending before the  
36 Legislature as this bill).

37  
38 2. a. There is appropriated to the Department of Agriculture  
39 \$200,000 from the General Fund to support the Menstrual Hygiene  
40 Product Program established pursuant to section 1 of this act.

41 b. Each food pantry may apply for a grant of up to \$10,000  
42 each year.

43  
44 3. This act shall take effect immediately.

## STATEMENT

This bill would establish a “Menstrual Hygiene Products Program” in order to promote and facilitate improved access to menstrual hygiene products to low-income residents of the State.

Public concerns over “period poverty,” a term that refers to inadequate access to menstrual hygiene products and education, clean toilets, and handwashing facilities, has escalated since the beginning of the coronavirus 2019 (COVID-19) pandemic as numerous New Jersey residents face economic hardships due to pandemic-related job losses and reduced hours of employment. Federal statute and regulations prohibit enrollees in federal safety-net programs for low-income individuals, such as the Medicaid program, the Supplemental Nutrition Assistance Program, and the Supplemental Nutrition Assistance Program for Women, Infants, and Children, prohibit enrollees from using their benefits for the purchase of menstrual hygiene products. Moreover, COVID-related school closures have left some school-aged menstruators without access to free menstrual hygiene products formerly accessed through the school nurse or a teacher.

In order to promote and facilitate improved access to menstrual hygiene products to low-income residents of the State, the Department is required develop and assist in the implementation of a menstrual hygiene products program, to be known as the “Menstrual Hygiene Products Program.” The department is required to identify, on its Internet website, the food pantries participating in the program, and the times during which each food pantry will be accessible for community residents to obtain menstrual hygiene products. Under the program, the department is required to award annual grants to food pantries for the purchase of menstrual hygiene products. Any costs incurred by a food pantry in providing an adequate supply of menstrual hygiene products will be borne by the State.

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

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

f. As a part of the menstrual Hygiene Products Program, the Department of Agriculture is authorized to:

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

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

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

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

12       This bill appropriates \$200,000 to the Department of Agriculture  
13 from the General Fund to support the Menstrual Hygiene Product  
14 Program. Under the bill, each food may apply for a grant of up to  
15 \$10,000 each year.