

SENATE BILL 52

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(PRE-FILED)

3lr0403
CF HB 87

By: ~~Senator Elfreth~~ **Senators Elfreth, Hester, Beidle, Ellis, Gile, Griffith, Hayes, Klausmeier, Kramer, and Lam**

Requested: September 15, 2022

Introduced and read first time: January 11, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2023

CHAPTER _____

1 AN ACT concerning

2 **Supplemental Nutrition Assistance Programs – Waiver – Diapers and Menstrual**
3 **Hygiene Products**

4 FOR the purpose of requiring the Department of Human Services to apply for a waiver to
5 allow benefits under the Supplemental Nutrition Assistance Program ~~or the Special~~
6 ~~Supplemental Nutrition Assistance Program~~ to be used to purchase diapers or
7 menstrual hygiene products, if the U.S. Department of Agriculture makes the waiver
8 available; requiring the Maryland Department of Health to apply for a waiver to
9 allow benefits under the Special Supplemental Program for Women, Infants, and
10 Children to be used to purchase diapers or menstrual hygiene products, if the U.S.
11 Department of Agriculture makes the waiver available; and generally relating to the
12 Supplemental Nutrition Assistance Program and the Special Supplemental
13 Nutrition Assistance Program for Women, Infants, and Children.

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 18–108
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2022 Supplement)

19 BY adding to
20 Article – Human Services
21 Section 5–507

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2019 Replacement Volume and 2022 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Health – General**

6 18–108.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) “Food instrument” means a voucher, check, coupon, or other document
9 that is used by a participant to obtain supplemental foods.

10 (3) “Local agency” means a public or private, nonprofit health or human
11 service agency that:

12 (i) Provides health services either directly or through contract; and

13 (ii) By written agreement with the State agency, provides Program
14 services in a designated area.

15 (4) “Participant” means an individual who is receiving supplemental foods
16 or food instruments under the Program and includes:

17 (i) Pregnant women;

18 (ii) Breast-feeding women up to 1 year postpartum who are
19 breast-feeding their infants;

20 (iii) Postpartum women up to 6 months after termination of
21 pregnancy;

22 (iv) Infants under 1 year of age; and

23 (v) Children who are at least 1 year old but under the age of 5 years.

24 (5) “Program” means the Special Supplemental Food Program for Women,
25 Infants, and Children authorized by § 17 of the Child Nutrition Act of 1966, as amended.

26 (6) “Supplemental foods” means those foods containing nutrients
27 determined to be beneficial for pregnant, breast-feeding, and postpartum women, infants,
28 and children, as prescribed by the Secretary of the U.S. Department of Agriculture.

29 (b) (1) Except as otherwise provided in this subsection, a local agency shall
30 include in its proposed written agreement the option to require a participant in the Program

1 to report monthly, bimonthly, or trimonthly to a designated site at designated times to
2 receive food instruments prepared for that participant and to acknowledge receipt of the
3 instruments.

4 (2) Food instruments may be mailed or otherwise delivered to participants
5 by a local agency only if approved by the Department on the basis of hardships which may
6 be encountered by the target population of the local agency, such as seasonally inclement
7 weather.

8 (3) Upon presentation by the participant of a written request, including
9 justification, a local agency may mail or otherwise deliver food instruments to an individual
10 on the basis of the difficulty of the participant and the participant's proxies in obtaining
11 the food instruments. The justification may include:

12 (i) Illness;

13 (ii) Imminent childbirth;

14 (iii) Difficulty of access to the local agency; or

15 (iv) Handicapping condition.

16 (4) The Secretary shall institute at least one pilot program in a local
17 subdivision or part of a subdivision utilizing a credit card system along with or in place of
18 a food instrument system. Implementation must take place within a reasonable period of
19 time from the date of enactment of this section, unless such a pilot program is found to be
20 inconsistent with subsection (e) of this section and a waiver is not granted.

21 (c) The Department shall maximize distribution of administrative funds to local
22 agencies in a manner that assures equity among the local agencies.

23 **(D) IF THE U.S. DEPARTMENT OF AGRICULTURE MAKES AVAILABLE TO THE**
24 **STATE A WAIVER ALLOWING RECIPIENTS OF PROGRAM BENEFITS TO USE BENEFITS**
25 **TO PURCHASE DIAPERS OR MENSTRUAL HYGIENE PRODUCTS, THE DEPARTMENT**
26 **SHALL APPLY FOR THE WAIVER.**

27 **(E) IF THE U.S. DEPARTMENT OF AGRICULTURE APPROVES THE WAIVER**
28 **APPLICATION UNDER SUBSECTION (D) OF THIS SECTION, THE DEPARTMENT SHALL**
29 **ADOPT REGULATIONS TO IMPLEMENT THE WAIVER.**

30 **[(d)] (F) The provisions of this section are effective only to the extent that they**
31 **are not inconsistent with applicable federal law or regulations.**

32 **Article – Human Services**

33 **5–507.**

1 **(A) IF THE U.S. DEPARTMENT OF AGRICULTURE MAKES AVAILABLE TO THE**
 2 **STATE A WAIVER ALLOWING RECIPIENTS OF SUPPLEMENTAL NUTRITION**
 3 **ASSISTANCE PROGRAM ~~OR SPECIAL SUPPLEMENTAL NUTRITION ASSISTANCE~~**
 4 **~~PROGRAM~~ BENEFITS TO USE BENEFITS TO PURCHASE DIAPERS OR MENSTRUAL**
 5 **HYGIENE PRODUCTS, THE DEPARTMENT SHALL APPLY FOR THE WAIVER.**

6 **(B) IF THE U.S. DEPARTMENT OF AGRICULTURE APPROVES THE WAIVER**
 7 **APPLICATION UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL**
 8 **ADOPT REGULATIONS TO IMPLEMENT THE WAIVER.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 10 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.