

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 52
Finance

(Senator Elfreth, *et al.*)

Appropriations

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

This bill requires the Department of Human Services (DHS) or the Maryland Department of Health (MDH) to apply for a waiver, if the U.S. Department of Agriculture (USDA) makes available to the State a waiver allowing recipients of Supplemental Nutrition Assistance Program (SNAP) benefits or Special Supplemental Nutrition Assistance Program (commonly known as Women, Infants, and Children (WIC)) benefits, respectively, to use program benefits to purchase diapers or menstrual hygiene products. If USDA approves the waiver application, DHS or MDH, as appropriate, must adopt regulations to implement the waiver.

Fiscal Summary

State Effect: DHS and MDH can use existing resources to apply for any waiver; otherwise, the bill does not directly affect State government operations or finances, as discussed below.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: SNAP, administered by DHS, assists low-income households in purchasing food. Although traditional SNAP benefits are federally funded, the State also provides a supplemental benefit to ensure that households with an individual age 62 or older receive a total benefit of \$40 per month. A State and local supplemental benefit (Summer SNAP) is also provided to some households with school-aged children in select

jurisdictions, which provides an additional \$30 per child, per month during summer months, and \$10 in December while children are not traditionally in school. WIC, administered through MDH is a public health nutrition program designed to ensure the healthy growth and development of young children. Both SNAP and WIC are federally administered by USDA. Program rules and requirements are issued by the federal government and neither program covers nonfood items (including diapers or menstrual hygiene products). Although USDA may grant waivers under SNAP or WIC to states under certain conditions, there is currently no waiver under SNAP or WIC that allows for the purchase of diapers or menstrual hygiene products using program benefits.

State Fiscal Effect: DHS and MDH can use existing resources to apply for any waiver that *may* become available from USDA. Even if a waiver is granted to allow for the purchase of specified items using SNAP and/or WIC benefits, the bill does not alter the amount of the SNAP/WIC benefits for which individuals are eligible. If, however, a waiver is granted *and* the State elects to provide a supplemental benefit specifically for individuals to purchase diapers or menstrual hygiene products through SNAP/WIC, State expenditures would increase significantly. However, the impact related to any enhanced benefits to purchase the items referenced in the bill would specifically be accounted for in the fiscal analysis of any subsequent legislation or the implementing regulations prepared by the Department of Legislative Services for the Joint Committee on Administrative, Executive, and Legislative Review, as appropriate.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 87 (Delegate Stewart) - Appropriations.

Information Source(s): Maryland Department of Health; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2023
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