

**SB0052/483524/1**

BY: Senator Elfreth  
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 52  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “or” in line 5 down through “Program” in line 6; in line 8, after “available;” insert “requiring the Maryland Department of Health to apply for a waiver to allow benefits under the Special Supplemental Program for Women, Infants, and Children to be used to purchase diapers or menstrual hygiene products, if the U.S. Department of Agriculture makes the waiver available;”; in line 9, after “Program” insert “for Women, Infants, and Children”; and after line 9, insert:

“BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 18–108  
Annotated Code of Maryland  
(2019 Replacement Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

**“Article – Health – General**

18–108.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Food instrument” means a voucher, check, coupon, or other document that is used by a participant to obtain supplemental foods.
- (3) “Local agency” means a public or private, nonprofit health or human service agency that:

and

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

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

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

(i) Pregnant women;

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

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

(iv) Infants under 1 year of age; and

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

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

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

(b) (1) Except as otherwise provided in this subsection, a local agency shall include in its proposed written agreement the option to require a participant in the Program to report monthly, bimonthly, or trimonthly to a designated site at designated times to receive food instruments prepared for that participant and to acknowledge receipt of the instruments.

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

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

- (i) Illness;
- (ii) Imminent childbirth;
- (iii) Difficulty of access to the local agency; or
- (iv) Handicapping condition.

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

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

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

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

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

and strike beginning with “**OR**” in line 21 down through “**PROGRAM**” in line 22.