

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 539

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 539 with committee amendments.

As amended, this bill permits beneficiaries of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to use WIC benefits in a variety of ways. WIC is a federal program that provides nutritious foods, nutrition education, breastfeeding support, and health care referrals to pregnant, postpartum, or breastfeeding women, infants, and children aged five years and under, who are low income and at nutritional risk.

Specifically, under the amended bill, WIC participants may: 1) utilize a WIC financial instrument to purchase WIC-eligible foods through the online platform of either a New Jersey WIC-authorized vendor or an authorized vendor whose retail presence in the State is primarily as an online retailer; 2) use their WIC benefit to pay a delivery charge, levied by an authorized New Jersey WIC vendor, for home-delivery of a WIC-eligible foods purchase; 3) expend a portion of the full value of their WIC check, cash value voucher, or electronic benefits during a transaction, and carry forward any funds balance to use in a future transaction; and 4) purchase infant formula in containers of varying sizes and non-contract brands.

The amended bill directs the Commissioner of Health to apply to the Food and Nutrition Service within the United States Department of Agriculture for any federal waivers or approvals needed to implement these changes to the New Jersey WIC program, including a request for the permanent waiver of 7 CFR 246.10(e)(9) and 7 CFR 246.10(d)(1)(i). The commissioner is also authorized to adopt any rules and regulations needed to implement the provisions of this bill.

COMMITTEE AMENDMENTS:

The committee amendments remove provisions of the bill requiring the Department of Health to implement an electronic benefits transfers system under WIC, as the department is currently in the process of achieving this goal. The department estimates that all counties in the State will have transitioned to the use of an e-WIC card by July 2022.

The committee amendments add a provision to the bill that would permit an individual who receives benefits under WIC to purchase infant formula in containers of varying sizes and non-contract brands. These specific activities regarding infant formula are prohibited under federal regulations set forth in 7 CFR 246.10(e)(9) and 7 CFR 246.10(d)(1)(i). As such, the committee amendments also require the Commissioner of Health to apply to the Food and Nutrition Service within the United States Department of Agriculture for a permanent waiver of these regulations.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.