
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **850** Session of
2023

INTRODUCED BY PARKER, HILL-EVANS, MADDEN, HOHENSTEIN, DALEY,
BOROWSKI, McANDREW, MAYES, BULLOCK, PROBST, ISAACSON, CEPEDA-
FREYTIZ, SHUSTERMAN, STEELE, T. DAVIS, KINSEY, GUENST,
CONKLIN, SANCHEZ, MALAGARI, SCHLOSSBERG, BURGOS, KHAN,
D. WILLIAMS, HANBIDGE, CIRESI, SAMUELSON, INNAMORATO, GREEN,
KRAJEWSKI, KINKEAD, CURRY, GILLEN, O'MARA, FLEMING, WARREN,
KENYATTA, BRIGGS, OTTEN, PIELLI, BRENNAN AND BOYD,
APRIL 10, 2023

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, IN SENATE, AS
AMENDED, JULY 3, 2024

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 providing for waiver to purchase diapers or menstrual hygiene
5 products.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
9 as the Human Services Code, is amended by adding a section to
10 read:

11 Section 438. Waiver to Purchase Diapers or Menstrual Hygiene
12 Products.--(A) If, in accordance with Federal law, the Food and <--
13 Nutrition Service of the United States Department of Agriculture
14 creates and makes available to the states a waiver permitting
15 recipients of benefits provided under the Supplemental Nutrition

1 Assistance Program (SNAP) or the Special Supplemental Nutrition
2 Program for Women, Infants and Children (WIC) to use their
3 benefits to purchase diapers or menstrual hygiene products,
4 including tampons, sanitary napkins or feminine wipes, the
5 following shall apply:

6 (1) If a waiver is made available for SNAP, the department
7 ~~shall~~ MAY apply for the Federal waiver. If the waiver is <--
8 approved, the department shall adopt rules and make changes as
9 necessary to implement the waiver.

10 (2) If a waiver is made available for WIC, the Department of
11 Health ~~shall~~ MAY apply for the Federal waiver. If the waiver is <--
12 approved, the Department of Health shall adopt rules and make
13 changes as necessary to implement the waiver.

14 (3) THE AUTHORITY TO IMPLEMENT A WAIVER APPROVED UNDER <--
15 PARAGRAPH (1) OR (2) SHALL EXPIRE THREE YEARS FROM THE DATE THAT
16 THE WAIVER IS APPROVED.

17 (B) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL
18 CONDUCT A STUDY TO REVIEW THE COSTS TO THE COMMONWEALTH OF THE
19 IMPLEMENTATION OF ANY WAIVER UNDER SUBSECTION (A) THAT OCCURS
20 DURING THE THREE-YEAR PERIOD AFTER THE WAIVER IS APPROVED IN
21 ACCORDANCE WITH SUBSECTION (A). THE FOLLOWING APPLY:

22 (1) WITHIN TWO YEARS OF THE IMPLEMENTATION OF A WAIVER UNDER
23 SUBSECTION (A), THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE
24 SHALL ISSUE A REPORT CONTAINING THE FINDINGS OF THE STUDY
25 REGARDING THE WAIVER.

26 (2) THE REPORT UNDER PARAGRAPH (1) SHALL BE SUBMITTED TO THE
27 FOLLOWING:

28 (I) THE GOVERNOR.

29 (II) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HEALTH
30 AND HUMAN SERVICES COMMITTEE OF THE SENATE.

1 (III) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HEALTH
2 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

3 (IV) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HUMAN
4 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

5 Section 2. This act shall take effect in 60 days.