

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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HEARINGS: No

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CL/MM

P.L. 2023, CHAPTER 267, *approved January 16, 2024*
Senate, No. 539 (*Third Reprint*)

1 AN ACT concerning the New Jersey Special Supplemental Nutrition
2 Program for Women, Infants, and Children, and supplementing
3 Title 26 of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 ¹["Electronic benefits transfer" means a method that permits
10 electronic access to Special Supplemental Nutrition Program for
11 Women, Infants, and Children (WIC) food benefits using a card or
12 other access device approved by the Secretary of the United States
13 Department of Agriculture.]¹

14 "Food instrument" means a voucher, check, electronic benefits
15 transfer card, coupon, or other document which is used by a
16 participant in the WIC program to obtain supplemental foods.

17 ¹"WIC" means the federal Special Supplemental Nutrition
18 Program for Women, Infants, and Children, established pursuant to
19 the "Child Nutrition Act of 1966," Pub.L.89-642 (42 U.S.C. s.1771
20 et seq.).¹

21
22 ¹[2. a. Notwithstanding any other provision of law to the
23 contrary, the Commissioner of Health shall implement an electronic
24 benefits transfer system in every county of the State for benefits
25 provided under the federal "Special Supplemental Nutrition
26 Program for Women, Infants, and Children" (WIC), established
27 pursuant to the "Child Nutrition Act of 1966," Pub.L.89-642 (42
28 U.S.C. s.1771 et seq.), that meets all federal requirements and
29 specifications for such a system.

30 b. The Department of Health shall issue an electronic benefits
31 transfer card to all individuals receiving benefits under the WIC
32 program, which may be used to purchase WIC-eligible foods at an
33 authorized New Jersey WIC vendor.]¹

34
35 ¹[3.] 2.¹ a. ³[Notwithstanding any other provision of law to
36 the contrary, an] An³ individual who receives benefits under the
37 WIC program ³[shall] may, to the extent authorized by the WIC

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 6, 2022.

²Assembly AWC committee amendments adopted November 30, 2023.

³Senate amendments adopted in accordance with Governor's recommendations January 8, 2024.

1 program or any waivers obtained by the Department of Health
2 pursuant to subsection b. of this section,³ be permitted to:

3 (1) purchase WIC-eligible foods using the online platform of an
4 authorized New Jersey WIC vendor, including an approved vendor
5 which operates predominantly as an online retailer; ²and²

6 (2) ²expend a portion of the total value of the individual's WIC
7 check, cash value voucher or electronic benefits during a single
8 transaction, and carry forward any remaining fund balance for use
9 during a future retail transaction; ¹[and,]¹

10 (3) ²utilize funds available through any New Jersey WIC food
11 instrument to pay the delivery charge levied by an authorized New
12 Jersey WIC vendor for home delivery of the individual's WIC-
13 eligible purchase ²[¹ ; and

14 (4) purchase infant formula in containers of varying sizes and
15 non-contract brands¹ ²].

16 b. The Commissioner of Health shall apply to the Food and
17 Nutrition Service within the United States Department of
18 Agriculture for ³participation in³ any ³[necessary]³ waivers or
19 approvals ³made available by the WIC program³ to implement the
20 provisions of this section ²[¹ , which shall include a request for the
21 permanent waiver of 7 CFR 246.10(e)(9) and 7 CFR
22 246.10(d)(1)(i)¹ ²].

23
24 ¹[4.] 3.¹ The Commissioner of Health shall adopt such rules
25 and regulations, pursuant to the "Administrative Procedure Act,"
26 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
27 implement the provisions of this act.

28
29 ¹[5.] 4.¹ This act shall take effect immediately.

30
31
32
33
34 _____
35 Permits online purchase of eligible foods using WIC funds and
use of WIC funds for grocery delivery charges.

SENATE, No. 539

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Requires DOH to issue WIC electronic benefits transfer cards; permits online purchase of eligible foods using WIC funds and carryover of unused WIC benefit amounts; authorizes use of WIC funds for grocery delivery charges.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the New Jersey Special Supplemental Nutrition
2 Program for Women, Infants, and Children, and supplementing
3 Title 26 of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 “Electronic benefits transfer” means a method that permits
10 electronic access to Special Supplemental Nutrition Program for
11 Women, Infants, and Children (WIC) food benefits using a card or
12 other access device approved by the Secretary of the United States
13 Department of Agriculture.

14 “Food instrument” means a voucher, check, electronic benefits
15 transfer card, coupon, or other document which is used by a
16 participant in the WIC program to obtain supplemental foods.
17

18 2. a. Notwithstanding any other provision of law to the contrary,
19 the Commissioner of Health shall implement an electronic benefits
20 transfer system in every county of the State for benefits provided
21 under the federal “Special Supplemental Nutrition Program for
22 Women, Infants, and Children” (WIC), established pursuant to the
23 “Child Nutrition Act of 1966,” Pub.L.89-642 (42 U.S.C. s.1771 et
24 seq.), that meets all federal requirements and specifications for such
25 a system.

26 b. The Department of Health shall issue an electronic benefits
27 transfer card to all individuals receiving benefits under the WIC
28 program, which may be used to purchase WIC-eligible foods at an
29 authorized New Jersey WIC vendor.
30

31 3. a. Notwithstanding any other provision of law to the contrary,
32 an individual who receives benefits under the WIC program shall be
33 permitted to:

34 (1) purchase WIC-eligible foods using the online platform of an
35 authorized New Jersey WIC vendor, including an approved vendor
36 which operates predominantly as an online retailer;

37 (2) expend a portion of the total value of the individual’s WIC
38 check, cash value voucher or electronic benefits during a single
39 transaction, and carry forward any remaining fund balance for use
40 during a future retail transaction; and,

41 (3) utilize funds available through any New Jersey WIC food
42 instrument to pay the delivery charge levied by an authorized New
43 Jersey WIC vendor for home delivery of the individual’s WIC-
44 eligible purchase.

45 b. The Commissioner of Health shall apply to the Food and
46 Nutrition Service within the United States Department of Agriculture
47 for any necessary waivers or approvals to implement the provisions
48 of this section.

1 4. The Commissioner of Health shall adopt such rules and
2 regulations, pursuant to the “Administrative Procedure Act,”
3 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
4 implement the provisions of this act.

5
6 5. This act shall take effect immediately.

7
8
9 STATEMENT

10
11 This bill expands the types of transactions that individuals who
12 participate in the Special Supplemental Nutrition Program for
13 Women, Infants, and Children (WIC) can make using a WIC
14 financial instrument, such as a WIC check, cash value voucher
15 (CVV), or electronic benefits transfer (EBT) card. The bill directs
16 the Commissioner of Health to establish an EBT system for the WIC
17 program in New Jersey and issue an EBT card to all WIC
18 beneficiaries for use when purchasing WIC-eligible foods at an
19 authorized New Jersey WIC vendor.

20 Under the bill, program participants may utilize a WIC financial
21 instrument to purchase WIC-eligible foods through the online
22 platform of either a New Jersey WIC-authorized vendor or an
23 authorized vendor whose retail presence in the State is primarily as
24 an online retailer. WIC participants could also use their WIC benefit
25 to pay a delivery charge, levied by an authorized New Jersey WIC
26 vendor, for home-delivery of a WIC-eligible foods purchase. Finally,
27 this bill would allow WIC participants to expend a portion of the full
28 value of their WIC check, EBT or CVV during a transaction, and
29 carry forward any funds balance to use in a future transaction.
30 Currently, WIC participants are not permitted to carry forward
31 unused benefit amounts into a subsequent month.

32 The bill directs the Commissioner of Health to apply to the Food
33 and Nutrition Service within the United States Department of
34 Agriculture for any federal waivers or approvals needed to implement
35 these changes to the New Jersey WIC program. The commissioner
36 is also authorized to adopt any rules and regulations needed to
37 implement the provisions of this bill.

38 WIC is a federal program that provides nutritious foods, nutrition
39 education, breastfeeding support, and health care referrals to
40 pregnant, postpartum, or breastfeeding women, infants, and children
41 aged five years and under, who are low income and at nutritional risk.
42 The WIC program is administered at the federal level by the Food
43 and Nutrition Service within the United States Department of
44 Agriculture, but is administered at the State and local level. In New
45 Jersey, the Department of Health administers the WIC program, in
46 conjunction with WIC Local Agencies in all 21 counties.

47 Although the New Jersey WIC program does not currently provide
48 EBT cards to WIC participants, the Department of Health website

S539 RUIZ, POU

4

1 states that the department's new WIC EBT system, named eWIC, will
2 be available for use throughout the State by the end of 2020. This
3 will bring the State into compliance with USDA regulations (7 C.F.R.
4 s.246.12).

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 539

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2023

The Assembly Women and Children Committee reports favorably and with committee amendments Senate Bill No. 539 (1R).

As amended by the committee, 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.

The bill, as amended, allows WIC participants to: 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; and 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.

The 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.

As amended and reported by the committee, Senate Bill No. 539 (1R) is identical to Assembly Bill No. 2140, which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to remove provisions of the bill requiring the department to allow an individual to: expend a portion of the total value of their WIC check, cash value voucher or electronic benefits during a single transaction and carry forward any remaining fund balance for use during a future retail transaction; and purchase infant formula in containers of varying sizes and non-contract brands.

The committee amendments remove the provision in the bill that requires the Commissioner of Health to apply to the Food and Nutrition Service within the United States Department of Agriculture

for a permanent waiver of federal regulations set forth in 7 CFR 246.10(e)(9) and 7 CFR 246.10(d)(1)(i).

The committee amendments update the synopsis of the bill to reflect the changes made by committee amendment.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 539

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No.539.

This bill expands the types of transactions that individuals who participate in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) can make using a WIC financial instrument, such as a WIC check, cash value voucher (CVV), or electronic benefits transfer (EBT) card. The bill directs the Commissioner of Health to establish an EBT system for the WIC program in New Jersey and issue an EBT card to all WIC beneficiaries for use when purchasing WIC-eligible foods at an authorized New Jersey WIC vendor.

Under the bill, program participants may 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. WIC participants could also 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. Finally, this bill would allow WIC participants to expend a portion of the full value of their WIC check, EBT or CVV during a transaction, and carry forward any funds balance to use in a future transaction. Currently, WIC participants are not permitted to carry forward unused benefit amounts into a subsequent month.

The bill directs the Commissioner of Health to apply to the Food and Nutrition Service within the United States Department of Agriculture (USDA) for any federal waivers or approvals needed to implement these changes to the New Jersey WIC program. The commissioner is also authorized to adopt any rules and regulations needed to implement the provisions of this bill.

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. The WIC program is administered at the federal level by the Food and Nutrition Service within the USDA, but is administered at the State and local

level. In New Jersey, the Department of Health administers the WIC program, in conjunction with WIC Local Agencies in all 21 counties.

The establishment of a new WIC EBT system will bring the State into compliance with USDA regulations (7 C.F.R. s.246.12).

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

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.

ASSEMBLY, No. 2140

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

SYNOPSIS

Requires DOH to issue WIC electronic benefits transfer cards; permits online purchase of eligible foods using WIC funds and carryover of unused WIC benefit amounts; authorizes use of WIC funds for grocery delivery charges.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/7/2022)

A2140 REYNOLDS-JACKSON, WIMBERLY

2

1 **AN ACT** concerning the New Jersey Special Supplemental Nutrition
2 Program for Women, Infants, and Children, and supplementing
3 Title 26 of the New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. As used in this act:

9 “Electronic benefits transfer” means a method that permits
10 electronic access to Special Supplemental Nutrition Program for
11 Women, Infants, and Children (WIC) food benefits using a card or
12 other access device approved by the Secretary of the United States
13 Department of Agriculture.

14 “Food instrument” means a voucher, check, electronic benefits
15 transfer card, coupon, or other document which is used by a
16 participant in the WIC program to obtain supplemental foods.

17
18 2. a. Notwithstanding any other provision of law to the
19 contrary, the Commissioner of Health shall implement an electronic
20 benefits transfer system in every county of the State for benefits
21 provided under the federal “Special Supplemental Nutrition
22 Program for Women, Infants, and Children” (WIC), established
23 pursuant to the “Child Nutrition Act of 1966,” Pub.L.89-642 (42
24 U.S.C. s.1771 et seq.), that meets all federal requirements and
25 specifications for such a system.

26 b. The Department of Health shall issue an electronic benefits
27 transfer card to all individuals receiving benefits under the WIC
28 program, which may be used to purchase WIC-eligible foods at an
29 authorized New Jersey WIC vendor.

30
31 3. a. Notwithstanding any other provision of law to the
32 contrary, an individual who receives benefits under the WIC
33 program shall be permitted to:

34 (1) purchase WIC-eligible foods using the online platform of an
35 authorized New Jersey WIC vendor, including an approved vendor
36 which operates predominantly as an online retailer;

37 (2) expend a portion of the total value of the individual’s WIC
38 check, cash value voucher or electronic benefits during a single
39 transaction, and carry forward any remaining fund balance for use
40 during a future retail transaction; and,

41 (3) utilize funds available through any New Jersey WIC food
42 instrument to pay the delivery charge levied by an authorized New
43 Jersey WIC vendor for home delivery of the individual’s WIC-
44 eligible purchase.

45 b. The Commissioner of Health shall apply to the Food and
46 Nutrition Service within the United States Department of
47 Agriculture for any necessary waivers or approvals to implement
48 the provisions of this section.

1 4. The Commissioner of Health shall adopt such rules and
2 regulations, pursuant to the “Administrative Procedure Act,”
3 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
4 implement the provisions of this act.

5

6 5. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill expands the types of transactions that individuals who
12 participate in the Special Supplemental Nutrition Program for
13 Women, Infants, and Children (WIC) can make using a WIC
14 financial instrument, such as a WIC check, cash value voucher
15 (CVV), or electronic benefits transfer (EBT) card. The bill directs
16 the Commissioner of Health to establish an EBT system for the
17 WIC program in New Jersey and issue an EBT card to all WIC
18 beneficiaries for use when purchasing WIC-eligible foods at an
19 authorized New Jersey WIC vendor.

20 Under the bill, program participants may utilize a WIC financial
21 instrument to purchase WIC-eligible foods through the online
22 platform of either a New Jersey WIC-authorized vendor or an
23 authorized vendor whose retail presence in the State is primarily as
24 an online retailer. WIC participants could also use their WIC
25 benefit to pay a delivery charge, levied by an authorized New
26 Jersey WIC vendor, for home-delivery of a WIC-eligible foods
27 purchase. Finally, this bill would allow WIC participants to expend
28 a portion of the full value of their WIC check, EBT or CVV during
29 a transaction, and carry forward any funds balance to use in a future
30 transaction. Currently, WIC participants are not permitted to carry
31 forward unused benefit amounts into a subsequent month.

32 The bill directs the Commissioner of Health to apply to the Food
33 and Nutrition Service within the United States Department of
34 Agriculture for any federal waivers or approvals needed to
35 implement these changes to the New Jersey WIC program. The
36 commissioner is also authorized to adopt any rules and regulations
37 needed to implement the provisions of this bill.

38 WIC is a federal program that provides nutritious foods, nutrition
39 education, breastfeeding support, and health care referrals to
40 pregnant, postpartum, or breastfeeding women, infants, and children
41 aged five years and under, who are low income and at nutritional
42 risk. The WIC program is administered at the federal level by the
43 Food and Nutrition Service within the United States Department of
44 Agriculture, but is administered at the State and local level. In New
45 Jersey, the Department of Health administers the WIC program, in
46 conjunction with WIC Local Agencies in all 21 counties.

47 Although the New Jersey WIC program does not currently
48 provide EBT cards to WIC participants, the Department of Health

A2140 REYNOLDS-JACKSON, WIMBERLY

4

1 website states that the department's new WIC EBT system, named
2 eWIC, will be available for use throughout the State by the end of
3 2020. This will bring the State into compliance with USDA
4 regulations (7 C.F.R. s.246.12).

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2140

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2023

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 2140.

As amended by the committee, 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.

The bill, as amended, allows WIC participants to: 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; and 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.

The 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 the changes to the New Jersey WIC program.

As reported by the committee, Assembly Bill No. 2140 is identical to Senate Bill No. 539 (1R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments remove provisions of the bill requiring the department to implement an electronic benefits transfers system under WIC, as the department is currently in the process of achieving this goal.

The committee amended the bill to remove the provision of the bill requiring the department allowing an individual to expend a portion of the total value of their WIC check, cash value voucher or electronic benefits during a single transaction, and carry forward any remaining fund balance for use during a future retail transaction.

The committee amended the synopsis of the bill to reflect the changes made by committee amendment.

SENATE BILL NO. 539
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 539 (Second Reprint) with my recommendations for reconsideration.

Senate Bill No. 539 (Second Reprint) attempts to expand the types of transactions permitted under the Special Supplemental Nutrition Program for Women, Infants, and Children ("WIC") - a federal food assistance program regulated by the U.S. Department of Agriculture ("USDA") - by declaring that WIC participants can purchase WIC-eligible foods online and use program funds to pay the delivery fee charged for any home delivery of such foods. It requires the Commissioner of the Department of Health ("DOH") to apply for any USDA waivers or approvals necessary to implement the bill.

I commend the bill's sponsors for undertaking efforts to promote a modern, accessible, and equitable shopping experience for WIC participants so that they may enjoy the same services as the general public without any added difficulty or personal cost. Unfortunately, the current federal regulations do not allow the use of WIC funds to pay for home delivery services, which unfairly burdens low-income families that receive critical nutrition services under the program. The scope of permissible WIC transactions is dictated at the federal level by the USDA. State agencies, like DOH, are tasked with administering the WIC program in accordance with federal regulations and cannot simply disregard those regulations as suggested by Senate Bill No. 539 (Second Reprint). Therefore, I am recommending amendments to clarify that the use of WIC funds to pay for delivery fees may only be permitted

to the extent authorized by the federal WIC program or any rule changes or waivers it may issue in the future.

I herewith return Senate Bill No. 539 (Second Reprint) and recommend that it be amended as follows:

Page 2, Section 2, Lines 35-36: Delete "Notwithstanding any other provision of law to the contrary, an" and insert "An"

Page 2, Section 2, Line 37: Delete "shall" and insert "may, to the extent authorized by the WIC program or any waivers obtained by the Department of Health pursuant to subsection b. of this section,"

Page 3, Section 2, Line 9: After "for" insert "participation in"

Page 3, Section 2, Line 9: Delete "necessary"

Page 3, Section 2, Line 9: After "approvals" insert "made available by the WIC program"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

Governor Murphy Takes Action on Legislation

01/16/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

SCS for S-281/ACS for A-3791 (Greenstein, Turner/Sumter, Reynolds-Jackson) – w/STATEMENT - Concerns automatic fire sprinkler systems within newly constructed townhouses

[Copy of Statement](#)

S-539wGR/A-2140 (Ruiz, Pou/Reynolds-Jackson, Wimberly, Mosquera) - Permits online purchase of eligible foods using WIC funds and use of WIC funds for grocery delivery charges

S-659/A-2014 (Oroho, Greenstein/Conaway, Wirths, Umba) - "Manufacturing in Higher Education Act"; requires various State entities to promote manufacturing career pathways for students and provides assistance to manufacturing industry

S-1110/A-3936 (Polistina, Singleton/Guardian, Swift, McClellan) - Authorizes CRDA to finance transportation projects between Atlantic City Airport and Atlantic City Tourism District

S-1662/A-3526 (Ruiz, Codey/Lampitt, Benson, Saucikie) - Requires NJ Youth Suicide Prevention Advisory Council to prepare report regarding suicide prevention instruction in public schools

S-1680wGR/A-2257 (Pou, Ruiz/Murphy, Quijano, Wimberly) - Designates each community college in State as provider of allowable services under SNAP employment and training program

S-2076/ACS for A-3319 (Zwicker, Greenstein/McKnight, Lampitt) - Establishes "Twelfth Grade Postsecondary Transition Year Pilot Program" in Department of Education

S-2535wGR/A-4048 (Polistina, Pou/Benson, McKnight, Reynolds-Jackson, Carter) - Requires health benefits coverage of hearing aids and cochlear implants

S-2841/A-4292 (Scutari, Bramnick/Carter) - Raises minimum amount of liability coverage for commercial motor vehicles and autocabs

SCS for S-3080/ACS for A-398 (Ruiz, Burgess/Caputo, Giblin, Tucker) - Establishes position of Youth Disconnection Prevention and Recovery Ombudsperson; establishes "Scholarship Disconnection Prevention Task Force"; appropriates \$200,000

S-3102/A-4715 (Smith, Singleton/Stanley, Benson) - Establishes uptime requirement for electric vehicle charging station incentive programs

S-3176/A-4760 (Greenstein, Smith/Swain, Haider, Tully) - Requires DEP and Drinking Water Quality Institute to perform study concerning regulation and treatment of perfluoroalkyl and polyfluoroalkyl substances

SCS for S-3632 and 3649wGR/ACS for A-1948 (Johnson, Cryan/Haider, Conaway, Quijano) - Requires labeling of non-flushable disposable wipes

S-3758/A-5343 (Cryan/Karabinchak) - Changes deadline for unaffiliated mail-in voters to declare their political party before primary election

S-3837/A-5438 (Pou, Cruz-Perez/Pintor Marin, Wimberly) - Clarifies process for administrative appropriations to UEZs

S-3897/A-5578 (Ruiz, Sarlo/Jasey, Carter, Reynolds-Jackson) - Authorizes Higher Education Student Assistance Authority to award annual summer tuition aid grants

S-4040/A-5881 (Polistina, Lagana/Tully, Guardian, Swift) - Concerns jurisdiction and operations of regional municipal courts

S-4084/A-5851 (Ruiz, Cruz-Perez/Moriarty, Calabrese, Moen) - Concerns temporary registration certificates and license plates

S-4130/A-5849 (Codey/Jasey, Tucker) - Special legislation to change name of "Township of South Orange Village" to "South Orange Village"; changes titles of certain municipal officials; permits nonpartisan municipal elections to be moved to November; permits stipend for governing body members

S-4206/A-5856 (Sarlo/Calabrese) - Changes number of signatures required on primary election petition to nominate certain municipal candidates in certain municipalities

S-4209/A-5879 (Sarlo/Pintor Marin) - Eliminates vote on school budgets for Type II school districts in April elections, except for separate proposals to spend above cap

S-4268/A-5911 (Scutari/Danielsen) - Permits certain special State officers to represent cannabis businesses

A-203/S-2884 (Rooney, Benson, Caputo/A.M. Bucco) - Authorizes creation of special license plates commemorating horse as State animal

A-1100/S-995 (Calabrese, Mukherji, McKnight/Ruiz, Stack) - Requires entities to remove abandoned lines and mark information on certain lines

A-1107/S-770 (Chaparro, Murphy, Mukherji/Pou, Beach) - Directs Chief Technology Officer to conduct study on impacts of redacting handwritten signatures published on State websites; allows for protocols for such redactions to be established by rules and regulations

ACS for A-1255/SS for S-1794 (Stanley, Conaway, Benson/Gopal, Singer) - Updates requirements and standards for authorization and prior authorization of health care services

A-1727/S-3300 (Speight, Reynolds-Jackson, Verrelli/Stanfield, Ruiz) - Requires Attorney General to perform outreach and provide services to victims of human trafficking under certain circumstances

A-1729/S-3550 (Speight, Reynolds-Jackson, McKnight/Greenstein, Ruiz) - Requires AG to address human trafficking in underserved communities

A-1755/S-2505 (McKeon, Calabrese, Conaway/Smith, Greenstein) - Requires installation of operational automatic rain sensor or smart sprinkler as condition of sale of certain properties, and on certain commercial, retail, and industrial properties and common interest communities within specified timeframes

A-2146wGR/S-855 (Reynolds-Jackson, Wimberly, Sumter/Singleton, Beach) - Creates State business assistance program to establish contracting agency procurement goals for socially and economically disadvantaged business enterprises

A-2581/S-2503 (Lampitt, Park/Beach) - Provides that certain cosmetology and hairstyling courses may be taught using distance learning technology

A-3142/S-1564 (Moen, Moriarty, Benson/Singleton, Corrado) - Authorizes grants to purchase and rehabilitate abandoned homes for homeless veterans

A-3211/S-2302 (Speight, Haider, Swain/Gopal, Ruiz) - Establishes "New Jersey Feminine Hygiene Products for the Homeless Act"

A-3980/S-2706 (Speight, McKnight, Atkins/Zwicker, Turner) - Grants child placed in resource family care and resource family parents the right to be notified when case management supervisor is assigned to child; grants child in resource family care right to be notified of certain property and benefits

A-4033wGR/S-2657 (Coughlin, Wimberly/Sarlo, Ruiz) - Extends deadline for completion of school district's annual audit

A-4049/S-3495 (McKnight, Reynolds-Jackson, Benson/Vitale, Johnson) - Provides for presumptive eligibility for home and community-based services and services provided through program of all-inclusive care for the elderly under Medicaid

A-4105/S-4202 (Lopez, Jimenez, Quijano/Vitale, Turner) - Establishes Interagency Council on Homelessness

A-4183/S-4264 (Haider/Singleton) - Concerns local unit filing requirement for certain shared services agreements

A-4212/S-2762 (Pintor Marin, Reynolds-Jackson, Verrelli/Ruiz, Cunningham) - Establishes Center for Career Relevant Education and Talent Evaluation of New Jersey at The Edison State University

A-4337/S-4156 (Conaway, Atkins, Rooney/Singleton, Pou) - Requires Department of Health to provide information to Statewide 2-1-1 telephone system regarding the location safe disposal sites for hypodermic syringes and needles and prescription drugs

ACS for A-4496/SCS for S-3247 (Coughlin, Lampitt, Karabinchak, Wimberly/Zwicker, Greenstein) - Revises various provisions of law governing construction of school facility projects and operations of New Jersey Schools Development Authority; establishes "Charter School and Renaissance School Project Facilities Loan Program" in EDA

A-4522/S-3234 (Moen, McKnight, Quijano/Singer, Singleton) - Requires certain disclosures by sellers of single-family homes with solar panels installed

A-4691/S-1530 (Swain, DeAngelo, Speight/Greenstein, Zwicker) - Requires hazard mitigation plans to include climate change-related threat assessments and hazard prevention and mitigation strategies

A-4723/S-2740 (McKeon, Moriarty, Rooney/Codey, Scutari) - Requires motor vehicle dealer to offer to delete personal information in motor vehicles in certain situations

A-4791/S-3184 (Kennedy, Haider, McKeon/Diegnan, Sarlo) - Establishes "Resiliency and Environmental System Investment Charge Program"

ACS for A-4794/S-3224 (Benson, Mukherji/Singleton, Turner) - Requires request for proposal to establish demonstration projects to develop electric vehicle charging depots serviced by distributed energy resource charging centers for certain electric vehicle use

A-4814/S-1023 (Moen, Wimberly/Singleton, Gopal) - Removes expected family contribution from calculation of financial need under circumstances in which public institutions of higher education may reduce student's institutional financial aid

ACS for A-4821 and 4823wGR/S-3283 (Karabinchak, Conaway, Schaer/Greenstein, Zwicker) - Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies

A-4955/S-3531 (S. Kean, Thomson/Singer, Gopal) - Designates portion of State Highway Route 71 as "John Tarantino Highway"

A-5094/S-3476 (Spearman/Beach, Greenstein) - Concerns licensing of security officer companies

A-5227/S-3662 (Danielsen, Space/Smith, Oroho) - Expands eligibility for "fishing buddy license" fee

A-5285/SCS for S-3708 (Greenwald, Haider, Lopez/Greenstein, A.M. Bucco) - Requires copies of certain law enforcement records to be provided to victims of domestic violence upon request

A-5293/S-3746 (Greenwald, McKnight, Rooney/Gopal, Ruiz) - Concerns New Jersey Civic Information Consortium

A-5311/S-3061 (Verrelli, McKnight, Matsikoudis/Stanfield, Turner) - Enters New Jersey into Counseling Compact

A-5391/S-3765 (DeAngelo/Diegnan, Corrado) - Imposes conditions on drivers approaching disabled vehicles

A-5412/S-3850 (Greenwald, Swain, Jasey/Gopal, Singer) - Establishes nonpublic school transportation program to provide funding to consortiums of nonpublic schools that will assume responsibility for mandated nonpublic school busing

A-5416wGR/S-3883 (Wimberly, Giblin, Haider/Greenstein, Turner) - Requires State Board of Education to authorize alternate route to expedite teacher certification of persons employed as paraprofessionals in school districts

A-5442/S-3793 (Karabinchak, Conaway, McKeon/Smith, Greenstein) - Directs BPU to conduct study to determine feasibility, marketability, and costs of implementing large-scale geothermal heat pump systems in State

A-5462/S-3867 (Coughlin, McKnight, Speight/Vitale, Turner) - Revises law establishing Office of Food Security Advocate, and establishes certain conditions for use of monies appropriated to emergency food organizations

ACS for A-5495/SCS for S-3846 (Danielsen/Scutari, A.M. Bucco) - Clarifies types of firearms allowed to be carried or transported while hunting

A-5516/S-4047 (Reynolds-Jackson, Verrelli, Conaway/Burgess, Turner) - Requires certain health care professionals to undergo bias training

A-5565/S-3971 (S. Kean, Thomson/Gopal) - Provides that 10-year term does not apply to lease of certain municipal properties unless they are waterfront properties or related to waterfront concessions

A-5567/S-3807 (Torrissi, Calabrese/A.M. Bucco, Sarlo) - Extends period of usefulness of fire engines for bonding purposes from 10 to 20 years; eliminates exclusion of passenger cars and station wagons

A-5582/S-3781 (Swain, Simonsen/Lagana, Cryan) - Establishes grant program for NJ YouthBuild programs through DOLWD; makes appropriation

A-5610wGR/S-3954 (Greenwald, Spearman, Chaparro/Beach, A.M. Bucco) - Revises penalties for possession or consumption of alcoholic beverages by underage persons

A-5748/S-4166 (Spearman, Moen, Moriarty/Cruz-Perez, Madden) - Amends definition of "participating county" under County Option Hospital Fee Program

A-5755/S-4183 (Carter, Sumter, Wimberly, Quijano/Scutari, Singleton) - Enhances notice requirements and occupancy restrictions for hotels and multiple dwellings following determination of potentially hazardous condition

A-5799/S-1472 (Moen, Moriarty/Beach, Stack) - Authorizes DOT to establish and administer toll collection and enforcement system on behalf of NJ toll authorities and to enter i

reciprocal agreements for enforcement of toll violations with toll authorities from other states

A-5806/S-4165 (Moriarty, Sauickie/Greenstein, Oroho) - Appropriates \$48 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreat and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

A-5807/S-4138 (Freiman/Johnson, Schepisi) - Appropriates \$58 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

A-5808/S-4135 (Park, Freiman, Lopez/Beach, Turner) - Appropriates \$15,564,293 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain histori preservation projects and associated administrative expenses

A-5809/S-4097 (Swain, Lopez, Sauickie/Zwicker, Gopal) - Amends lists of projects eligible to receive loans for environmental infrastructure projects from NJ Infrastructure Bank FY 2024

A-5810/S-4098 (Sampson, Sauickie, Lopez/Greenstein, Stanfield) - Amends lists of environmental infrastructure projects approved for long-term funding by DEP under FY 2024 environmental infrastructure funding program

A-5828/S-4201 (Lopez/Vitale) - Authorizes State Treasurer to sell as surplus certain real property and improvements in Township of Woodbridge in Middlesex County

A-5835/S-4134 (Greenwald, Lampitt/Beach, Turner) - Authorizes regional authority to develop and operate regional rehabilitation and reentry center

A-5836/S-4212 (DeAngelo, Sumter, Wimberly/Gopal, Greenstein) - Makes supplemental appropriation of \$650,000 to New Jersey Division of State Police for trooper recruitme and retention

A-5910/S-4266 (Egan/Codey) - Increases annual salary of certain public employees and officers

AJR-200/SJR-138 (Park, Freiman, Calabrese/Lagana) - Designates November 22 of each year as Kimchi Day

Governor Murphy pocket vetoed the following bills:

S-2989/A-1739 (Pou, Singer/McKeon, Quijano, Flynn) - Makes certain for-profit debt adjusters eligible for licensing to conduct business in State

S-3172/A-4689 (Gopal, Turner/Lampitt, Matsikoudis, McKnight) - Establishes teacher certification route for candidates with Montessori teaching credentials

S-3287/ACS for A-4852 and 1170 (Turner/Reynolds-Jackson, Jasey, Dunn, Wimberly, Calabrese, Spearman, Verrilli) - Requires institutions of higher education to maintain supply and develop policy governing use of naloxone hydrochloride nasal spray for opioid overdose emergencies

A-1476/S-930 (Benson, Dancer/Holzappel, Diegman) - Exempts certain motor vehicles that are owned by certain nutrition programs and certain nonprofit organizations that offer social services from motor vehicle registration fees

A-3642/S-665 (Wirths, Murphy, Benson, Oroho/Greenstein) - Requires MVC to place designation on motor vehicle's registration information indicating registrant is deaf

A-3945/S-1660 (Quijano, Reynolds-Jackson, Carter/Ruiz, Singleton) - Establishes "Male Teachers of Color Mentorship Pilot Program"; appropriates \$95,000

A-4177/S-2478 (Mosquera, Swain, McKnight, Tucker, Dunn/Ruiz, Vitale) - Extends duration of law requiring certain provider subsidy payments for child care services be based on enrollment

A-4396/S-2927 (Lampitt, Jasey, Caputo/Codey) - Establishes timelines for review and approval by Commissioner of Education of annual certified audits submitted by approved private schools for students with disabilities

A-4621/S-3156 (Mosquera, Greenwald, Swain/Madden) - Requires issuance of report on certain information and data on processing of applications for professional and occupational licenses and mandates review of training and call intake in Division of Consumer Affairs.

A-4740/S-2970 (Mukherji, DeAngelo, McKnight/Cruz-Perez, Turner) - Provides employee access to employee's employment records on file with DOLWD

A-5294/S-1825 (Greenwald, Swain, Rooney/Steinhardt, Sarlo, Doherty) - Exempts sales of investment metal bullion and investment coins from sales and use tax

A-5893/S-4228 (Karabinchak, Calabrese, Sauickie/Gopal, Sarlo) - Extends annual horse racing purse subsidies through State fiscal year 2029