

ASSEMBLY, No. 4533

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman MICHELE MATSIKLOUDIS

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Assemblyman Mukherji

SYNOPSIS

Establishes the “New Jersey Feminine Hygiene Product Donations Immunity Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/30/2023)

1 AN ACT concerning donations of feminine hygiene products and
2 supplementing Title 55 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “New Jersey
8 Feminine Hygiene Product Donations Immunity Act.”

9

10 2. The Legislature finds and declares that:

11 a. Period poverty is defined as a lack of access to feminine
12 hygiene products, hygiene facilities, waste management, and
13 education;

14 b. Period inequity is a chronic problem due to the fact that the
15 cost of feminine hygiene products, including sales tax, is the same
16 for women of all socioeconomic groups;

17 c. This unfortunately leads to hardships and disparities relative
18 to feminine hygiene and women’s health in underserved
19 communities, including for people with disabilities, minorities, and
20 people experiencing homelessness;

21 d. Women typically have their menstrual cycles every 28 days
22 starting in their pre-teen years and lasting through menopause,
23 which means they need to buy feminine hygiene products every
24 month of the year over the span of several decades;

25 e. The average menstrual cycle can last from between five to
26 seven days, often requiring the purchase of multiple packages of
27 feminine hygiene products for one cycle;

28 f. The combination of these factors can lead to astronomical,
29 recurring costs for women in their menstruating years;

30 g. New Jersey has exempted feminine hygiene products, such
31 as sanitary napkins and tampons, from the tax imposed under the
32 Sales and Use Tax Act. In doing so, the State has recognized that it
33 is financially burdensome for women to continue to purchase these
34 products;

35 h. Many women and girls in New Jersey find themselves in
36 need of temporary housing assistance within emergency shelters for
37 the homeless; and the Department of Community Affairs, in
38 conjunction with the Departments of Human Services and Health,
39 has recognized this growing need by creating the Homelessness
40 Prevention Program and the Homelessness Prevention and Rapid
41 Re-Housing Program;

42 i. Women and girls who find themselves homeless still need
43 feminine hygiene and sanitation products to the same extent as all
44 other women;

45 j. Women and girls experiencing homelessness, illness, or
46 other socioeconomic challenges should not be burdened with the
47 costs of feminine hygiene products while already experiencing

1 financial and economic hardships resulting in them being unable to
2 afford basic shelter;

3 k. Feminine hygiene product donations allow many women to
4 receive feminine hygiene products that they would otherwise not
5 have access to; and

6 l. It is therefore necessary and important to create the “New
7 Jersey Feminine Hygiene Product Donations Immunity Act” to
8 combat period inequity and ensure that persons or entities who wish
9 to donate feminine hygiene products to homeless shelters and other
10 charitable or nonprofit facilities that provide assistance to
11 underserved women can donate without fear of being held liable for
12 injuries that may inadvertently result from the donated feminine
13 hygiene products.

14

15 3. a. Notwithstanding any other provision of law to the
16 contrary, a good faith donor of feminine hygiene products that are
17 apparently usable at the time they are donated to a bona fide
18 charitable or nonprofit organization for free distribution is immune
19 from civil or criminal liability arising from injury or death due to
20 the condition of the feminine hygiene products, unless the injury or
21 death is a direct result of the gross negligence, recklessness, or
22 intentional misconduct of the donor.

23 b. Notwithstanding any other provision of law to the contrary, a
24 bona fide charitable or nonprofit organization, and any employee or
25 volunteer of that organization, who in good faith receives and
26 distributes feminine hygiene products that are apparently usable at
27 the time they are distributed is immune from civil or criminal
28 liability arising from an injury or death due to the condition of the
29 feminine hygiene products, unless the injury or death is a direct
30 result of the gross negligence, recklessness, or intentional
31 misconduct of the organization, employee, or volunteer.

32 c. Notwithstanding any other provision of law to the contrary, a
33 hospital or other health care facility licensed by the Department of
34 Health that, in good faith and in accordance with guidelines
35 established by the recipient organization, donates feminine hygiene
36 products that are apparently usable at the time they are donated to a
37 bona fide charitable or nonprofit organization for free distribution is
38 immune from civil or criminal liability arising from injury, illness,
39 or death due to the condition of the feminine hygiene products,
40 unless the injury, illness, or death is a direct result of intentional
41 misconduct of the hospital or health care facility.

42 d. This section applies to all good faith donations of feminine
43 hygiene products that are not readily marketable due to appearance,
44 grade, surplus, or other conditions, but nothing in this section
45 restricts the authority of any appropriate agency to regulate or bar
46 the use of those feminine hygiene products.

47 e. As used in this section:

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1 “Apparently usable” means, with respect to a product, that the
2 product meets all quality and labeling standards imposed by federal,
3 State, and local laws and regulations even if the product may not be
4 readily marketable.

5 “Feminine hygiene product” means a sanitary napkin, tampon,
6 liner, cup, underwear, or any similar item used by an individual
7 with respect to menstruation.

8

9 4. The Commissioner of the Department of Community Affairs
10 shall adopt rules and regulations pursuant to the “Administrative
11 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to
12 implement the provisions of this act.

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14 5. This act shall take effect immediately, except the
15 Commissioner of Community Affairs may take any anticipatory
16 administrative action in advance as shall be necessary for the
17 implementation of this act.

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STATEMENT

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22 This bill, which is designated as the “New Jersey Feminine
23 Hygiene Product Donations Immunity Act,” provides immunity
24 from civil and criminal liability arising from an injury or death for
25 good faith donors, including hospitals and other health care
26 facilities, of feminine hygiene products that are donated to bona
27 fide charitable and nonprofit organizations. It also provides the
28 same immunity to the charitable and nonprofit organizations that
29 distribute these donated feminine hygiene products.