

# 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 MATSIKOUDIS**

**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:

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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.

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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:

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.

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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.