

[Second Reprint]

**SENATE, No. 539**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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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)**

**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)**

**Co-Sponsored by:**

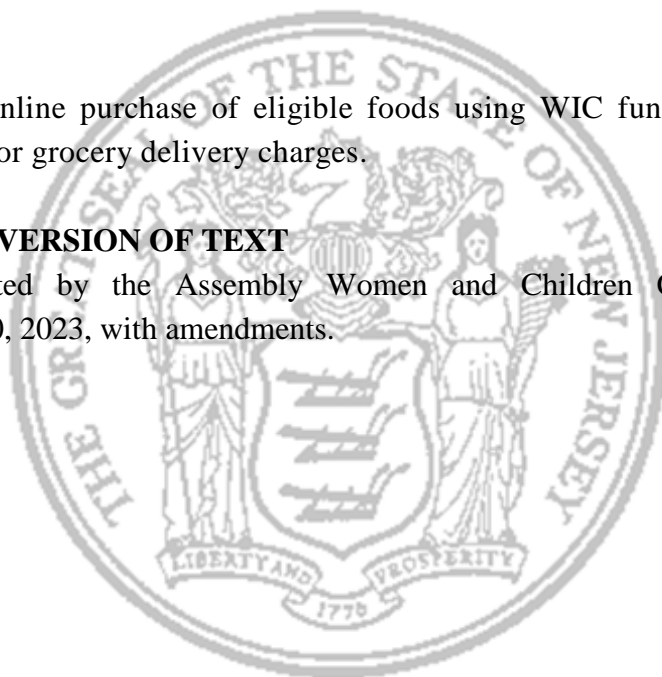
**Assemblymen Atkins and Freiman**

**SYNOPSIS**

Permits online purchase of eligible foods using WIC funds and use of WIC funds for grocery delivery charges.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Women and Children Committee on November 30, 2023, with amendments.



**(Sponsorship Updated As Of: 12/21/2023)**

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 <sup>1</sup>**“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. <sup>1</sup>

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 <sup>1</sup>“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.).<sup>1</sup>  
 21

22 <sup>1</sup>**[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. <sup>1</sup>  
 34

35 <sup>1</sup>**[3.] 2.<sup>1</sup>** a. Notwithstanding any other provision of law to the  
 36 contrary, an individual who receives benefits under the WIC  
 37 program shall be permitted to:

38 (1) purchase WIC-eligible foods using the online platform of an  
 39 authorized New Jersey WIC vendor, including an approved vendor  
 40 which operates predominantly as an online retailer; <sup>2</sup>and<sup>2</sup>

41 (2) <sup>2</sup>**[expend a portion of the total value of the individual’s WIC**  
 42 **check, cash value voucher or electronic benefits during a single**  
 43 **transaction, and carry forward any remaining fund balance for use**  
 44 **during a future retail transaction; <sup>1</sup>**[and.]<sup>1</sup>****

**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:**

<sup>1</sup>Senate SBA committee amendments adopted June 6, 2022.

<sup>2</sup>Assembly AWC committee amendments adopted November 30, 2023.

- 1       (3)<sup>2</sup> utilize funds available through any New Jersey WIC food  
2 instrument to pay the delivery charge levied by an authorized New  
3 Jersey WIC vendor for home delivery of the individual's WIC-  
4 eligible purchase <sup>2</sup>~~1~~ ; and  
5       (4) purchase infant formula in containers of varying sizes and  
6 non-contract brands<sup>1</sup>~~2~~.  
7       b. The Commissioner of Health shall apply to the Food and  
8 Nutrition Service within the United States Department of  
9 Agriculture for any necessary waivers or approvals to implement  
10 the provisions of this section <sup>2</sup>~~1~~, which shall include a request for  
11 the permanent waiver of 7 CFR 246.10(e)(9) and 7 CFR  
12 246.10(d)(1)(i)<sup>1</sup>~~2~~.  
13  
14       <sup>1</sup>~~4~~ 3.<sup>1</sup> The Commissioner of Health shall adopt such rules  
15 and regulations, pursuant to the "Administrative Procedure Act,"  
16 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to  
17 implement the provisions of this act.  
18  
19       <sup>1</sup>~~5~~ 4.<sup>1</sup> This act shall take effect immediately.