

**SENATE . . . . . No. 104**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joan B. Lovely***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a diaper benefits pilot program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/8/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/8/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/21/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>3/23/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/23/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/23/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>4/7/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>6/26/2023</i>
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	<i>7/11/2023</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>7/11/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/11/2023</i>

**SENATE . . . . . No. 104**

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By Ms. Lovely, a petition (accompanied by bill, Senate, No. 104) of Joan B. Lovely, Mark C. Montigny, Vanna Howard and Sal N. DiDomenico for legislation to establish a diaper benefits pilot program. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 125 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act establishing a diaper benefits pilot program.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 111 of the General Laws, as appearing in the 2020 Official Edition, is hereby  
2 amended by inserting, after section 2J, the following new section:-

3 Section 2K. (a) As used in this section, the following words shall have the following  
4 meanings unless context clearly requires otherwise:

5 “Commissioner,” the commissioner of the department of public health.

6 “Department,” the department of public health.

7 “Fund,” the diaper benefits trust fund.

8           “Organization,” an entity, including but not limited to, that acts in whole or in part as a  
9 diaper bank, diaper distribution organization, food bank or food pantry.

10           “Pilot program,” an organization or organizations receiving funds from the department to  
11 provide diapers to low-income families with diaper-wearing infants and children. Organizations  
12 may collaborate to maximize distribution in their respective regions.

13           (b) There shall be established and set up on the books of the commonwealth a fund to  
14 address diaper insufficiency that shall be administered by the commissioner. The fund shall be  
15 credited with: (i) revenue from appropriations or other money authorized by the general court  
16 and specifically designated to the fund; (ii) interest earned on such revenues; and (iii) funds from  
17 public and private sources such as gifts, grants and donations to further the pilot program.  
18 Amounts credited to the fund shall not be subject to further appropriation, and any money  
19 remaining in the fund at the end of the fiscal year shall not revert to the General Fund.

20           (c) The department shall distribute resources from the fund by issuing a request for  
21 proposal through which an organization or organizations may apply. Funds received shall be  
22 used for one or more of the following purposes: (i) acquiring diapers, (ii) storing diapers, (iii)  
23 distributing diapers, (iv) organizing diaper drives, or (v) marketing the pilot program.

24           The department shall grant funds based on the demonstrated capacity and need of the  
25 applicant. The department shall fund up to 12 applicants no more than 2 of which shall be from  
26 the western region of the commonwealth; no more than 2 of which shall be from the central  
27 region of the commonwealth; no more than 2 of which shall be from the eastern region of the  
28 commonwealth; no more than 2 of which shall be from the southeastern region of the

29 commonwealth; no more than 2 of which shall be from Cape Cod or the Islands; and no more  
30 than 2 of which shall be from the Merrimack valley.

31 Amounts received from private sources shall be approved by the commissioner of the  
32 department and subject to review before being deposited in the fund to ensure that pledged funds  
33 are not accompanied by conditions, explicit or implicit, on distributing diapers.

34 (d) Not later than one year after the implementation of each pilot program said  
35 department shall provide a report to the joint committee on children, families and persons with  
36 disabilities and to the house and senate committees on ways and means. The report shall include,  
37 but not be limited to: (i) the number of children receiving diapers through the pilot program; (ii)  
38 the number of households receiving diapers through the pilot program; (iii) the number of  
39 diapers distributed through the pilot program to families in each region; (iv) an explanation of  
40 the organization's distribution process and allocation determination; (v) the sources and the  
41 amounts remaining in the fund; (vi) if and how the pilot program were able to leverage additional  
42 support; (vii) the amounts distributed and the purpose of expenditures from the fund; and (viii)  
43 the advisability of expanding the pilot program.