

**HOUSE . . . . . No. 149**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mindy Domb and Smitty Pignatelli***

*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:	DATE ADDED:
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/17/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/19/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/23/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/13/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/14/2023</i>
<i>Samantha Montañó</i>	<i>15th Suffolk</i>	<i>2/21/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/22/2023</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>2/24/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/25/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>2/28/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/28/2023</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>2/28/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/1/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>3/14/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/19/2023</i>
<i>Dawne Shand</i>	<i>1st Essex</i>	<i>3/30/2023</i>

<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>4/7/2023</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>6/23/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/5/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>7/17/2023</i>

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By Representatives Domb of Amherst and Pignatelli of Lenox, a petition (accompanied by bill, House, No. 149) of Mindy Domb, Smitty Pignatelli and others for legislation to establish a diaper insufficiency fund. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 206 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           SECTION 1. Chapter 111 of the General Laws, as appearing in the 2016 Official Edition,  
2 is hereby 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  
4 following 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  
9 as a diaper bank, diaper distribution organization, food bank or food pantry.

10                   “Pilot program,” an organization or organizations receiving funds from the  
11 department to provide diapers to low-income families with diaper-wearing infants and/or  
12 children. Organizations 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  
14 fund to address diaper insufficiency that shall be administered by the commissioner. The fund  
15 shall be credited with: (i) revenue from appropriations or other money authorized by the general  
16 court and specifically designated to the fund; (ii) interest earned on such revenues; and (iii) funds  
17 from 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  
21 for 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  
25 the applicant. The department shall fund up to 12 applicants no more than 2 of which shall be  
26 from 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  
32 the department and subject to review before being deposited in the fund to ensure that pledged  
33 funds 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 was 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.