

documentation requested by the Department or fails to comply with any requests or instructions from the Department. Failure to implement and abide by the plan of correction may lead to suspension or revocation of authorization.

5. The Department of Health, Board of Pharmacy, and Division of Taxation reserve the right to survey, inspect, or audit the entity and its program including any records, inventory, or real property.

8:32-8.2 Hearings on enforcement actions

(a) Notice of a proposed enforcement action shall be afforded to the entity.

(b) The entity shall notify the Department of its intent to request a hearing regarding the proposed enforcement action in the manner specified in the notice required pursuant to (a) above within 30 days of its receipt.

(c) The Department shall transmit the hearing request to the Office of Administrative Law.

(d) Hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

8:32-8.3 Settlement of enforcement actions

(a) The drug donation entity may request that the proposed enforcement action be settled in lieu of conducting an administrative hearing.

(b) If the Department and the drug donation entity agree on the terms of a settlement, a written agreement specifying these terms shall be executed.

(c) If a drug donation entity fails to meet the conditions of the settlement, then the Department may immediately impose the original enforcement action.

SUBCHAPTER 9. IMMUNITY FROM LIABILITY

8:32-9.1 Immunity from liability

(a) Any donor, redistributor, third-party intermediary, common carrier, contract carrier, governmental agency, including, but not limited to, the Department of Health and the Board of Pharmacy, pharmacy benefit manager, pharmacy services administration organization, health care coverage program, or other entity or person, including, but not limited to, volunteers, employees, officers, directors, owners, partners, managers, and members, who acts reasonably and in good faith, within the scope of a drug donation program, and, in accordance with the provisions of this chapter, shall be:

1. Immune from civil or criminal liability for any injury, death, or loss suffered by a person who is dispensed a donated drug or donated administration supplies pursuant to this chapter; and

2. Exempt from any professional disciplinary action stemming from any act or omission associated with any activity pursuant to this chapter, including, but not limited to, the donation, acceptance, repackaging, transportation, transfer, or dispensing of a donated drug or donated administration supplies.

(b) A drug manufacturer, wholesaler, or other entity participating in the supply chain of the donated drug or donated administration supplies who acts reasonably and in good faith, in accordance with the provisions of this chapter, and as otherwise required by law, shall be immune from civil or criminal liability for any injury, death, or loss to a person or property stemming from any act or omission in association with any activity pursuant to this chapter including, but not limited to, the donation, acceptance, repackaging, transportation, transfer, or dispensing of an over-the-counter drug or prescription drug that is manufactured or distributed by the drug manufacturer, wholesaler, or other entity and donated pursuant to this act, including any liability resulting from a failure to transfer or communicate product or consumer information or the beyond use date of the donated drug.

(c) A redistributor who dispenses donated drugs or administration supplies that have been recalled shall be immune from civil or criminal liability for any injury, death, or loss suffered by a person who has dispensed those drugs or administration supplies, provided that the

redistributor was not notified of the recall by the donor, by another redistributor, or through other means.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

New Jersey Supplemental Nutrition Assistance Program

Establishment of the State SNAP Minimum Benefit Program

Proposed New Rules: N.J.A.C. 10:87-13

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12; and P.L. 2023, c. 13.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2023-074.

Submit comments by October 6, 2023, to:

Megan R. Mazzoni, Administrative Practice Officer
Division of Family Development
PO Box 716
Trenton, New Jersey 08625-0716
or by email: DFD-Regulations@dhs.nj.gov

The agency proposal follows:

Summary

As the Department of Human Services (Department) is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

The Department proposes to add a new subchapter at N.J.A.C. 10:87 in order to implement State legislation establishing the State Supplemental Nutrition Assistance Program (SNAP) Minimum Benefit Program, P.L. 2022, c. 32, N.J.S.A. 44:10-111 (effective December 1, 2022), subsequently amended at P.L. 2023, c. 13.

N.J.A.C. 10:87-13.1 provides the authority for, and purpose of, the State SNAP Minimum Benefit Program.

N.J.A.C. 10:87-13.2 provides eligibility requirements and enrollment details for the State SNAP supplement. It also provides additional information on how the State SNAP supplement is calculated. This section provides that households receiving a monthly Federal SNAP benefit of less than \$95.00 will also receive a State SNAP supplement, to bring their total monthly SNAP allotment up to \$95.00. It summarizes how the State SNAP supplement is calculated and provides that the State SNAP supplement is subject to the same rules as Federal SNAP benefits, to the extent practicable.

N.J.A.C. 10:87-13.3 provides that the State SNAP supplement is to be distributed through a household's Electronic Benefit Transfer (EBT) card, and that the supplement is subject to the Families First Program rules, set forth at N.J.A.C. 10:88.

N.J.A.C. 10:87-13.4 provides that the State SNAP Minimum Benefit Program is subject to all State rules and procedures, to the greatest practicable extent, that implement Federal SNAP and that the supplement provided must be used solely for food purchases, as defined by the Federal SNAP laws.

Social Impact

The proposed new rules will have a positive social impact on recipients of the State supplement. Increasing the minimum monthly SNAP benefit will allow NJ SNAP recipients, who have limited financial resources, to buy more food to meet their nutritional needs.

Economic Impact

The proposed new rules will have a positive economic impact. The current minimum monthly Federal SNAP benefit is \$23.00 per month.

Increasing the minimum monthly SNAP benefit to \$95.00 through a monthly State supplement will allow NJ SNAP recipients to purchase more food. Furthermore, studies have shown that increased SNAP spending results in a positive impact on the broader economy.

The Office of Legislative Services has estimated the cost of increasing the minimum monthly SNAP benefit to \$95.00 to be \$21.5 million dollars per year. This increase in the minimum SNAP benefit is provided by statute and is not subject to the discretion of the Department.

Federal Standards Statement

New N.J.A.C. 10:87-13 is proposed pursuant to the authority at N.J.S.A. 44:10-111, which refers to the Federal SNAP program (Food and Nutrition Act of 2008, 7 U.S.C. §§ 2011 et seq.). The proposed new chapter establishes a State-funded State SNAP benefit equal to the difference between a Federal SNAP household’s monthly Federal SNAP benefit and \$95.00. The State SNAP Minimum Benefit Program is subject to the same standards and rules as Federal SNAP to the extent practicable. This benefit is provided by statute, therefore, the Department does not have the authority to make any independent policy determinations to exceed the standards imposed by Federal law, and similarly did not undertake a cost-benefit analysis to support a determination. The additional SNAP standard is achievable under current technology, and the Commissioner certifies that the analysis permits the public to understand accurately and plainly the purposes and expected consequences of the new rules.

Jobs Impact

The proposed new rules will not result in the generation or loss of jobs in New Jersey.

Agriculture Industry Impact

The proposed new rules will not have an impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed new rules have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules impose no reporting, recordkeeping, or other compliance requirements on small businesses and, thus, a regulatory flexibility analysis is not required. The proposed new rules govern the State SNAP Minimum Benefit Program, which enables households receiving a Federal SNAP benefit of less than \$95.00 to also receive a State SNAP supplement to bring their total SNAP allotment up to \$95.00.

Housing Affordability Impact Analysis

The proposed new rules will not have an impact on the affordability of housing in New Jersey. It is highly unlikely that the proposed new rules would evoke a change in the average costs associated with housing because the proposed new rules govern a public assistance program that provides a State SNAP supplement to households receiving a very low Federal SNAP allotment.

Smart Growth Development Impact Analysis

The proposed new rules will not have an impact on smart growth. It is highly unlikely that the proposed new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, because the proposed new rules govern a public assistance program that provides a State SNAP supplement to households receiving a very low Federal SNAP allotment.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department of Human Services has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed new rules follows:

SUBCHAPTER 13. STATE SNAP MINIMUM BENEFIT PROGRAM

10:87-13.1 Authority and purpose

(a) The State SNAP Minimum Benefit Program is established in the New Jersey Department of Human Services, Division of Family Development, as authorized pursuant to N.J.S.A. 44:10-111.

(b) The purpose of the State SNAP Minimum Benefit Program is to reduce hunger and improve nutrition among NJ SNAP recipients by increasing their ability to purchase food and meet their nutritional needs.

10:87-13.2 Eligibility and benefit amount

(a) NJ SNAP households whose monthly Federally funded SNAP benefit is less than \$95.00 shall receive a monthly State SNAP supplement equal to the difference between the household’s Federally funded monthly benefit and \$95.00. The State SNAP supplement shall be provided in addition to the Federal SNAP benefit.

1. If Federal SNAP funds become available to pay NJ SNAP households a comparable SNAP supplement, Federal SNAP funds shall be used first, before any State funds are spent.

(b) To be eligible for the State SNAP Minimum Benefit Program, a household must meet all eligibility requirements of the NJ SNAP.

(c) The household must be certified for a full month of participation in the Federal SNAP, with a full monthly benefit amount of at least one dollar, but less than \$95.00 per month, to be eligible for the State program. Households are eligible for the State supplement only in months where the household receives a full monthly Federal SNAP allotment. Prorated monthly allotments are not eligible for a State SNAP supplement.

(d) A household eligible for the State SNAP Minimum Benefit Program shall be automatically enrolled in the program. No separate application besides the standard NJ SNAP application is required.

(e) The State SNAP supplement is calculated before any allotment reduction for recoupment of overpayments. The amount of the State SNAP supplement is determined by subtracting the amount of the household’s Federal SNAP monthly benefit, before any overpayment recoupments have been applied, from \$95.00.

(f) If a household becomes ineligible for Federal SNAP benefits, eligibility for the State SNAP supplement ends at the same time.

10:87-13.3 Benefit distribution and use

(a) The Families First Program rules at N.J.A.C. 10:88, including, but not limited to, those concerning the distribution, use, and expungement of NJ SNAP benefits, shall apply to the State SNAP supplement to the greatest extent practicable.

(b) The State SNAP supplement shall be distributed to a household on their Families First EBT account.

10:87-13.4 Applicability of Federal SNAP rules

The State SNAP Minimum Benefit Program shall be subject to the State rules and procedures that implement the Federal SNAP to the greatest extent practicable. The State SNAP supplement must be used solely for the purchase of food, as defined by Federal SNAP law.

LABOR AND WORKFORCE DEVELOPMENT

(a)

CENTER FOR OCCUPATIONAL EMPLOYMENT INFORMATION

Private Career Schools; Minimum Acceptable Level of Performance

Proposed New Rules: N.J.A.C. 12:41-4.8 and 12:43

Proposed Amendments: N.J.A.C. 12:41-1.1, 1.2, 2.2, 2.4, 2.6, 3.2, 4.5, 5.1, and 5.2

Authorized By: Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.