
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 229 Session of
2023

INTRODUCED BY HILL-EVANS, SANCHEZ, RABB, HANBIDGE, KINSEY,
MADDEN, PARKER, FIEDLER AND FLEMING, MARCH 10, 2023

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
MARCH 10, 2023

AN ACT

1 Establishing the Community Diaper and Incontinence Products
2 Grant Program and the Community Diaper and Incontinence
3 Products Grant Program Fund; directing the Department of
4 Aging to establish a program to improve access to
5 incontinence supplies; and imposing powers and duties on the
6 Department of Human Services.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Community
11 Diaper and Incontinence Products Act.

12 Section 2. Legislative intent.

13 The General Assembly finds and declares as follows:

14 (1) The establishment of a grant program to provide
15 funding to improve, enhance and expand access to clean
16 diapers will protect and enhance the health and well-being of
17 infants, children, incontinent adults and their families.

18 (2) Infants and children who are living in households
19 with little or no access to clean diapers often spend a day

1 or longer in one diaper, leading to significant potential
2 health risks.

3 (3) A supply of clean diapers is usually a requirement
4 for infants and children to attend and participate in child-
5 care programs and not having a reliable supply of clean
6 diapers impedes individuals in obtaining and maintaining
7 employment.

8 (4) Most public resources, such as the Supplemental
9 Nutrition Assistance Program (SNAP) and the Women, Infants
10 and Children Program (WIC), do not help offset the costs of
11 these needed diapers.

12 (5) For incontinent adults, the lack of access to
13 diapers is a growing health care concern.

14 (6) Health care experts affirm that when an adult is
15 left wearing a soiled diaper, there is an immediate danger of
16 skin problems, including skin breakdown that can bring on
17 life-threatening infections, especially in older adults.

18 (7) This Commonwealth has a compelling interest in
19 developing programs that improve access to diapers for
20 infants, children and incontinent adults.

21 Section 3. Definitions.

22 The following words and phrases when used in this act shall
23 have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Department." The Department of Human Services of the
26 Commonwealth.

27 "Diaper bank." A nonprofit charitable organization or a
28 fiscally sponsored project of a nonprofit charitable
29 organization that collects or purchases diapers and other
30 hygiene products for infants, children or incontinent adults and

1 regularly distributes diapers over an extended period through
2 two or more partner agencies for eventual distribution to
3 individuals free of charge.

4 "Diaper pantry." A nonprofit charitable organization or a
5 fiscally sponsored project of a nonprofit charitable
6 organization that collects or purchases diapers for the purpose
7 of regularly distributing those diapers directly to individuals
8 free of charge.

9 "Diaper program." A program within a nonprofit charitable
10 organization or a fiscally sponsored project of a nonprofit
11 charitable organization, including, but not limited to, a food
12 bank, service agency or health clinic that collects or purchases
13 diapers and regularly distributes those diapers either through
14 direct service free of charge or through two or more partner
15 agencies for eventual distribution to individuals free of
16 charge.

17 "Fund." The Community Diaper and Incontinence Products Grant
18 Program Fund established under section 5.

19 "Nonprofit charitable organization." A nonprofit
20 organization within the meaning of 26 U.S.C. § 501(c)(3)
21 (relating to exemption from tax on corporations, certain trusts,
22 etc.).

23 "Program." The Community Diaper and Incontinence Products
24 Grant Program established under section 4.

25 "Secretary." The Secretary of Human Services of the
26 Commonwealth.
27 Section 4. Community Diaper and Incontinence Products Grant
28 Program.

29 (a) Establishment.--The Community Diaper and Incontinence
30 Products Grant Program is established and shall be administered

1 by the department. The purpose of the program shall be to issue
2 grants to improve, enhance and expand access to clean diapers
3 and incontinence products.

4 (b) Eligibility.--To receive a grant award under the
5 program, a diaper bank, diaper pantry or diaper program must
6 submit a written application to the department by January 1 of
7 each year for which a grant is sought and satisfy the following
8 conditions:

9 (1) Be located within this Commonwealth.

10 (2) Have a budget approved by the board of directors or
11 other governing body of the applicant.

12 (3) Not require participation in religious, financial or
13 organizational activities in order to receive the diapers.

14 (4) Submit a detailed proposal outlining the manner in
15 which the grant money will be used and the intended effect of
16 the proposal.

17 (c) Department action.--The department shall review and
18 approve or disapprove an application within 60 days of receiving
19 the application. An application which has not been approved or
20 disapproved by the department within the 60-day period shall be
21 deemed approved.

22 (d) Publication and notice.--The department shall transmit
23 notice of the availability of the grant program to the
24 Legislative Reference Bureau for publication in the Pennsylvania
25 Bulletin by August 8 for each fiscal year beginning after June
26 30, 2023.

27 (e) Award of grants.--

28 (1) The department may issue a grant award for the
29 following purposes:

30 (i) Direct collection and distribution of diapers or

1 incontinence products.

2 (ii) Warehousing, shelving and storing of collected
3 diapers or incontinence products.

4 (iii) Collection bins, volunteer training and other
5 promotional and marketing programs and materials.

6 (iv) Outreach programs, including, but not limited
7 to, mobile diaper banks, partnerships with child-care
8 centers serving low-income families or partnerships with
9 centers or facilities serving senior citizens.

10 (v) Fundraising assistance and other financial
11 management programs relating to the collection of
12 diapers.

13 (vi) Creating or establishing new diaper banks,
14 diaper pantries or diaper programs, especially in
15 underserved areas of this Commonwealth.

16 (vii) Any other program or activity approved by the
17 department that improves, enhances and expands access to
18 clean diapers and incontinence products for infants,
19 children and incontinent adults.

20 (2) Grants may not be less than \$2,500 nor more than
21 \$25,000 annually per eligible applicant.

22 (3) Grants may be awarded on a pro rata basis if the
23 total dollar amount of the approved applications exceeds the
24 amount of funds appropriated by the General Assembly for the
25 program.

26 Section 5. Community Diaper and Incontinence Products Grant
27 Program Fund.

28 (a) Establishment.--The Community Diaper and Incontinence
29 Products Grant Program Fund is established in the State
30 Treasury. All appropriations, contributions and alternative

1 funds received by the department as authorized by State law to
2 improve, enhance and expand access to clean diapers and
3 incontinence products shall be deposited into the fund.

4 (b) Allocation of funds.--All money in the fund is
5 appropriated on a continuing basis to the department and shall
6 be used as follows:

7 (1) At least 80% of the fund shall be used by the
8 department for grants authorized by this act.

9 (2) Not more than 20% of the fund may be used by the
10 department for State and local administration and program
11 services.

12 (c) Alternative funding.--The department may solicit and
13 accept alternative funding, including Federal funds, grants and
14 donations from any source to assist with the goals of this act.
15 All money received by the department to improve, enhance and
16 expand access to clean diapers and incontinence products shall
17 be deposited into the fund.

18 Section 6. Reports.

19 The department shall submit an annual report to the General
20 Assembly on expenditures from the fund and the progress of the
21 public outreach required under section 7.

22 Section 7. Public outreach.

23 (a) General rule.--From the money available for
24 administration as authorized under section 5(b)(2), the
25 department shall conduct Statewide outreach to inform diaper
26 banks, diaper pantries, diaper programs and other appropriate
27 community organizations about the program.

28 (b) Evaluation.--The department shall evaluate the
29 effectiveness of the funds provided under this act in improving
30 access to clean diapers and incontinence products and make

1 changes as necessary to the outreach described under subsection
2 (a) to improve access to clean diapers and incontinence
3 products.

4 Section 8. Rules and regulations.

5 The department shall promulgate regulations necessary to
6 administer the program and carry out its duties under this act.

7 Section 9. Improving access to incontinence supplies.

8 (a) Establishment.--The Department of Aging shall establish
9 a program, in conjunction with local agencies that specialize in
10 aging services, that provides incontinence supplies to
11 individuals 65 years of age or older, including adult diapers,
12 protective undergarments, incontinence pads, absorbent underwear
13 and incontinence medication.

14 (b) Regulations.--The Department of Aging shall promulgate
15 regulations necessary to administer the provisions of this
16 section.

17 Section 10. Effective date.

18 This act shall take effect in 90 days.