
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1405 Session of
2015

INTRODUCED BY YOUNGBLOOD, GOODMAN, MURT, O'BRIEN, SCHLOSSBERG,
BISHOP, KOTIK, THOMAS, DRISCOLL, V. BROWN, KINSEY, DAVIS,
ROZZI AND ROEBUCK, JUNE 25, 2015

REFERRED TO COMMITTEE ON HEALTH, JUNE 25, 2015

AN ACT

1 Providing for the Clean, Healthy and Dry Grant Program;
2 establishing the Clean, Healthy and Dry Fund; and imposing
3 powers and duties on the Department of Health.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Clean,
8 Healthy and Dry Act.

9 Section 2. Legislative intent.

10 The General Assembly finds and declares as follows:

11 (1) The establishment of a grant program to provide
12 money to improve, enhance and expand access to clean diapers
13 should protect and enhance the health and well-being of
14 infants, children, incontinent adults and their families.

15 (2) Infants and children who are living in households
16 with little or no access to clean diapers could spend a day
17 or longer in one diaper, leading to significant potential
18 health risks.

1 (3) A supply of clean diapers is usually a requirement
2 for infants and children to attend and participate in child-
3 care programs and when infants and children cannot
4 participate in child-care programs, parents and guardians
5 have difficulty participating in the work force.

6 (4) Most public resources, such as the Supplemental
7 Nutrition Assistance Program (SNAP) and the Women, Infants
8 and Children Program (WIC), do not help offset the costs of
9 these needed items and place a barrier against individuals
10 obtaining and maintaining employment.

11 (5) For incontinent adults, diaper need is becoming a
12 growing concern. Studies show that adult diapers should be
13 changed between five and eight times a day and health experts
14 state that when an adult is left wearing a soiled diaper,
15 there is an immediate danger of skin problems, including skin
16 breakdown that can bring on life threatening infections,
17 especially in older adults.

18 (6) The Commonwealth has a compelling interest in
19 protecting infants, children and incontinent adults from
20 health problems associated with a lack of clean diapers and
21 in removing obstacles that prevent individuals from working
22 due to a lack of supply of diapers needed to participate in
23 child-care programs, by providing access to diapers for
24 infants, children and incontinent adults.

25 Section 3. Definitions.

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

29 "Department." The Department of Health of the Commonwealth.

30 "Diaper bank." A nonprofit charitable organization or a

1 fiscally sponsored project of a nonprofit charitable
2 organization that collects or purchases diapers and other
3 hygiene products for infants, children or incontinent adults and
4 regularly distributes diapers over an extended period through
5 two or more partner agencies for eventual distribution to
6 individuals free of charge.

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

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

20 "Fund." The Clean, Healthy and Dry Fund established by this
21 act.

22 "Nonprofit charitable organization." A nonprofit
23 organization within the meaning of section 501(c)(3) of the
24 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
25 501(c)(3)).

26 "Program." The Clean, Healthy and Dry Grant Program
27 established by this act.

28 "Secretary." The Secretary of Health of the Commonwealth.
29 Section 4. The Clean, Healthy and Dry Grant Program.

30 (a) Establishment.--The Clean, Healthy and Dry Grant Program

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

4 (b) Eligibility.--To receive grant funds under this act, a
5 diaper bank, diaper pantry or diaper program must submit a
6 written application to the department by January 1 of each year
7 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 activities in
13 order for receipt of 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 the
18 application and approve or disapprove the application within 60
19 days of receiving the application. An application which has not
20 been approved or disapproved by the department within the 60-day
21 period shall be deemed approved.

22 (d) Publication and notice.--The department shall publish
23 notice of the program availability in the Pennsylvania Bulletin
24 by August 8 for the fiscal year beginning after June 30, 2015.

25 (e) Award of grants.--

26 (1) The department may issue a grant award for the
27 following purposes:

28 (i) Direct collection and distribution of diapers.

29 (ii) Warehousing, shelving and storing of collected
30 diapers.

1 (iii) Collection bins, volunteer training and other
2 promotional and marketing programs and materials.

3 (iv) Outreach programs, including, but not limited
4 to, mobile diaper banks or partnerships with child-care
5 centers serving low-income families.

6 (v) Fundraising assistance and other financial
7 management programs.

8 (vi) Any other program or activity approved by the
9 department that improves, enhances and expands access to
10 clean diapers for infants, children and incontinent
11 adults.

12 (2) Grants may not be less than \$2,500 nor more than
13 \$20,000 annually per eligible applicant.

14 (3) Grants may be awarded on a pro rata basis if the
15 total dollar amount of the approved application exceeds the
16 amount of funds appropriated by the General Assembly for the
17 program.

18 Section 5. The Clean, Healthy and Dry Fund.

19 (a) Establishment.--The Clean, Healthy and Dry Fund is
20 established in the State Treasury. All appropriations,
21 contributions and alternative funds received by the department
22 as authorized by State law to improve, enhance and expand access
23 to clean diapers shall be deposited into the fund.

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

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

29 (2) Not more than 20% of the fund may be used by the
30 department for State and local administration and program

1 services.

2 (c) Alternative funding.--The department may solicit and
3 accept alternative funding, including Federal funds, grants and
4 donations from any source whatsoever to assist with the goals of
5 this act. All money received by the department to improve,
6 enhance and expand access to clean diapers shall be deposited
7 into the fund.

8 Section 6. Reports.

9 The department shall submit an annual report to the General
10 Assembly on expenditures from the fund and the progress of the
11 public outreach required by section 7.

12 Section 7. Public outreach.

13 (a) General rule.--From the money available for
14 administration as authorized under section 4(b)(2), the
15 department shall conduct Statewide outreach to inform the public
16 of the services provided by eligible diaper banks to improve,
17 enhance and expand access to clean diapers.

18 (b) Evaluation.--The department shall evaluate the
19 effectiveness of the funds provided under this act in improving
20 access to clean diapers and make changes as necessary to the
21 outreach described under subsection (a) to improve access to
22 clean diapers.

23 Section 8. Rules and regulations.

24 The department shall promulgate rules and regulations in
25 accordance with the act of June 25, 1982 (P.L.633, No.181),
26 known as the Regulatory Review Act, necessary to administer the
27 program and carry out its duties under this act.

28 Section 9. Effective date.

29 This act shall take effect in 60 days.