

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 455 & 297

97TH GENERAL ASSEMBLY

0441H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 208.182, RSMo, and to enact in lieu thereof three new sections relating to food stamps, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 208.182, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 208.031, 208.032, and 208.182, to read as follows:

208.031. 1. Electronic benefit transfer transactions made by each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter and who is found to have made a cash withdrawal at any casino, gambling casino, or gaming establishment shall, after an administrative hearing conducted by the department under the provisions of chapter 536, be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. For purposes of this section, "casino, gambling casino, or gaming establishment" does not include a grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.

2. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

3. Any person who, in good faith, reports a suspected violation of this section by a temporary assistance for needy families (TANF) recipient shall not be held civilly or criminally liable for reporting such suspected violation.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **4. The department of social services shall promulgate rules to implement the**
19 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
20 **536.010, that is created under the authority delegated in this section shall become effective**
21 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
22 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the**
23 **powers vested with the general assembly pursuant to chapter 536 to review, to delay the**
24 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
25 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
26 **2013, shall be invalid and void.**

208.032. 1. In accordance with the Social Security Act, 42 U.S.C. Section
2 **608(a)(12), the department of social services shall implement and maintain policies and**
3 **practices which prevent a temporary assistance for needy families electronic benefit**
4 **transfer transaction in:**

5 **(1) Any liquor store;**

6 **(2) Any casino, gambling casino, or gambling establishment; or**

7 **(3) Any retail establishment which provides adult-oriented entertainment in which**
8 **performers disrobe or perform in an unclothed state for entertainment.**

9 **2. As used in this section, the term:**

10 **(1) "Casino, gambling casino, or gaming establishment" shall not include a grocery**
11 **store which sells groceries including staple foods and which also offers, or is located within**
12 **the same building or complex as, casino, gambling, or gaming activities;**

13 **(2) "Electronic benefit transfer transaction" means the use of a credit or debit card**
14 **service, automated teller machine, point-of-sale terminal, or access to an online system for**
15 **the withdrawal of funds or the processing of a payment for merchandise or a service;**

16 **(3) "Liquor store" means any retail establishment which sells exclusively or**
17 **primarily intoxicating liquor. Liquor store does not include a grocery store which sells**
18 **both intoxicating liquor and groceries including staple foods within the meaning of Section**
19 **3(r) of the Food and Nutrition Act of 2008, 7 U.S.C. Section 2012(r).**

20 **3. In accordance with 42 U.S.C. Section 602(a)(1)(A), the department of social**
21 **services shall:**

22 **(1) Implement policies and procedures as necessary to prevent access to assistance**
23 **provided under Missouri's temporary assistance for needy families (TANF) program**
24 **through any electronic fund transaction in an automated teller machine or point-of-sale**
25 **device located in a place described in subsections 1 and 2 of this section, including a plan**
26 **to ensure that recipients of the assistance have adequate access to their cash assistance; and**

27 **(2) Ensure that recipients of assistance provided under Missouri's TANF program**
28 **have access to using or withdrawing assistance with minimal fees or charges, including an**
29 **opportunity to access assistance with no fee or charges, and are provided information on**
30 **applicable fees and charges that apply to electronic fund transactions involving the**
31 **assistance, and that such information is made publicly available.**

32 **4. On or before December 31, 2014, the department shall submit a report to the**
33 **governor and the general assembly detailing the policies and practices implemented in**
34 **accordance with the requirements of this section and the requirements of 42 U.S.C. Section**
35 **608(a)(12). In addition, the department shall report Missouri's implementation of the**
36 **policies and practices to the Secretary of Health and Human Services as required under**
37 **42 U.S.C. Section 609(a)(16) within two years of the enactment of such federal law.**

38 **5. Nothing in this section shall require any casino, gambling casino, or gaming**
39 **establishment to enforce or monitor any provision of this section.**

208.182. 1. [The division of family services shall establish pilot projects in St. Louis
2 City and in any county with a population of six hundred thousand or more, which shall provide
3 for a system of electronic transfer of benefits to public assistance recipients. Such system shall
4 allow recipients to obtain cash from automated teller machines or point of sale terminals. If less
5 than the total amount of benefits is withdrawn, the recipient shall be given a receipt showing the
6 current status of his account.] **The department of social services shall seek a waiver from the**
7 **federal government to mandate the use of photo identification for continued eligibility in**
8 **the food stamp program administered in Missouri. Upon one year after approval by the**
9 **federal government, the department shall issue a photo identification card to each eligible**
10 **household member who is sixteen years of age or older. Upon request, a household**
11 **member, or the household's authorized representative, shall present the photo**
12 **identification card at issuance points, retail food stores, or meal services when exchanging**
13 **benefits for eligible food.**

14 2. The disclosure of any information provided to a financial institution, business or
15 vendor by the [division of family services] **department** pursuant to this section is prohibited.
16 Such financial institution, business or vendor may not use or sell such information and may not
17 divulge the information without a court order. Violation of this subsection is a class A
18 misdemeanor.

19 3. [Subject to appropriations and subject to receipt of waivers from the federal
20 government to prevent the loss of any federal funds, the department of social services shall
21 require the use of photographic identification on electronic benefit transfer cards issued to
22 recipients in this system. Such photographic identification electronic benefit transfer card shall
23 be in a form approved by the department of social services.

24 4.] The [division of family services] **department** shall promulgate rules and regulations
25 necessary to implement the provisions of this section pursuant to section 660.017 and chapter
26 536. **The rules shall ensure compliance with federal law, taking into account individuals**
27 **and households with special needs as well as ensuring that all appropriate household**
28 **members or authorized representatives are able to access benefits from the account as**
29 **necessary.**

30 [5.] 4. The delivery of electronic benefits and the electronic eligibility verification,
31 including, but not limited to, [aid to families with dependent children (AFDC)] **temporary**
32 **assistance for needy families (TANF)**, women, infants and children (WIC), early periodic
33 screening diagnosis and treatment (EPSDT), food stamps, supplemental security income (SSI),
34 including Medicaid, child support, and other programs, shall reside in one card that may be
35 enabled by function from time to time in a convenient manner.

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