

1 HB693
2 153312-1
3 By Representative Patterson
4 RFD: State Government
5 First Read: 02-MAY-13

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8 SYNOPSIS: This bill would prohibit a recipient of
9 public assistance benefits from using public
10 assistance benefits to purchase any alcoholic
11 beverage, tobacco product, or lottery ticket and
12 would provide penalties for violations, including
13 the suspension of benefits.

14 This bill would prohibit a recipient of
15 public assistance benefits from withdrawing or
16 using public assistance benefits in a retail
17 establishment that primarily sells alcoholic
18 beverages, a casino, a tattoo facility, a facility
19 providing psychic services, or an establishment
20 that provides adult-oriented entertainment in which
21 performers disrobe or perform in an unclothed state
22 and provides penalties for violations, including
23 the suspension of benefits.

24 This bill would also require the Department
25 of Human Resources to consult with providers of
26 automatic teller machine (ATM) services to create
27 and implement a program or method of blocking

1 access to cash benefits from Electronic Benefits
2 Transfer cards issued by the department at
3 automatic teller machines located in such
4 establishments.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 Relating to public benefits; to prohibit a recipient
11 of public assistance from using benefits to purchase any
12 alcoholic beverage, tobacco product, or lottery ticket; to
13 prohibit a recipient of public assistance benefits from
14 withdrawing or using public assistance benefits in a retail
15 establishment that primarily sells alcoholic beverages, a
16 casino, a tattoo facility, a facility providing psychic
17 services, or an establishment that provides adult-oriented
18 entertainment in which performers disrobe or perform in an
19 unclothed state; to provide penalties for violations; and to
20 require the Department of Human Resources to consult with
21 providers of automatic teller machine services to create and
22 implement a program or method of blocking access to cash
23 benefits from Electronic Benefits Transfer cards issued by the
24 department at automatic teller machines located in certain
25 establishments.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) For the purposes of this section, the
2 term "public assistance benefits" means money or property
3 provided directly or indirectly to eligible persons through
4 programs of the federal government, the state, or any
5 political subdivision thereof, and administered by the Alabama
6 Department of Human Resources.

7 (b) (1) A recipient of public assistance benefits may
8 not use any portion of the benefits for the purchase of any
9 alcoholic beverage, tobacco product, or lottery ticket. Any
10 person who violates this subsection shall reimburse the
11 Department of Human Resources for the purchase and shall be
12 subject to the following sanctions:

13 a. Upon the first violation, the person shall be
14 disqualified from receiving public assistance benefits by
15 means of direct cash payment or an electronic benefits
16 transfer access card for one month.

17 b. Upon the second violation, the person shall be
18 disqualified from receiving public assistance benefits by
19 means of direct cash payment or electronic benefits transfer
20 access card for three months.

21 c. Upon a third or subsequent violation, the person
22 shall be permanently disqualified from receiving public
23 assistance benefits by means of direct cash payment or an
24 electronic benefits transfer access card.

25 (2) A person who is disqualified from receiving
26 public assistance benefits under this subsection shall have

1 the right to a hearing pursuant to the Alabama Administrative
2 Procedure Act.

3 (c) (1) A cash recipient of public assistance
4 benefits may not withdraw or use cash benefits by means of an
5 Electronic Benefits Transfer transaction for the purchase of
6 goods or services in a retail establishment the primary
7 purchase of which is the sale of alcoholic beverages, a
8 casino, a tattoo facility, a facility providing psychic
9 services, or an establishment that provides adult-oriented
10 entertainment in which performers disrobe or perform in an
11 unclothed state. Any person who violates this subsection shall
12 reimburse the Department of Human Resources for the amount
13 withdrawn and used and shall be subject to the following
14 sanctions:

15 a. Upon the first violation, the person shall be
16 disqualified from receiving public assistance benefits by
17 means of direct cash payment or an electronic benefits
18 transfer access card for a period of one month.

19 b. Upon the second violation, the person shall be
20 disqualified from receiving public assistance benefits by
21 means of direct cash payment or electronic benefits transfer
22 access card for a period of three months.

23 c. Upon a third or subsequent violation, the person
24 shall be permanently disqualified from receiving public
25 assistance benefits by means of direct cash payment or an
26 electronic benefits transfer access card.

1 (2) A person who is disqualified from receiving
2 public assistance benefits under this subsection shall have
3 the right to a hearing pursuant to the Alabama Administrative
4 Procedure Act.

5 (d)(1) The Department of Human Resources shall
6 consult with providers of automatic teller machine services to
7 create and implement a program or method of blocking access to
8 cash benefits from Electronic Benefits Transfer cards issued
9 by the department at automatic teller machines located in a
10 retail establishment the primary purchase of which is the sale
11 of alcoholic beverages, a casino, a tattoo facility, a
12 facility providing psychic services, or an establishment that
13 provides adult-oriented entertainment in which performers
14 disrobe or perform in an unclothed state.

15 (2) If the department requires a federal waiver to
16 implement this section, the department shall apply immediately
17 for the federal waiver.

18 (e) The Department of Human Resources shall adopt
19 rules to implement this act.

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.