

1 HB314
2 190593-1
3 By Representative Mooney
4 RFD: State Government
5 First Read: 25-JAN-18

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8 SYNOPSIS: This bill would further provide for
9 procedures and limitations for various public
10 assistance programs administered by the Department
11 of Human Resources.

12 This bill would preclude the department from
13 granting categorical eligibility for Supplemental
14 Nutrition Assistance Program (SNAP) benefits.

15 This bill would provide a lifetime limit of
16 36 months for temporary cash payments under the
17 state Family Assistance Program administering the
18 Temporary Assistance for Needy Families Program
19 (TANF).

20 This bill would require the Department of
21 Human Resources to utilize best efforts to identify
22 purchases at points of sale outside this state
23 using cash benefits under the Temporary Assistance
24 for Needy Families Program (TANF) or SNAP benefits
25 and to establish a benchmark number of out-of-state
26 transactions using TANF benefits that will
27 automatically generate review of the recipient's

1 residency status by the department, as well as
2 review of frequent or large even-dollar purchases
3 by recipients.

4 This bill would require the Department of
5 Human Resources to monitor all requests for
6 replacement EBT cards, and upon the fourth request,
7 require an office visit by the recipient to alert
8 the recipient that his or her account would be
9 monitored for potential suspicious activity.

10 This bill would also provide for the
11 suspension of cash payments under the TANF program
12 when a recipient fails to cooperate with an ongoing
13 fraud investigation and would require the
14 department to maintain sufficient fraud
15 investigative staff.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to public assistance; to preclude the
22 department from seeking, applying for, accepting, or renewing
23 any waiver of work requirements for Supplemental Nutrition
24 Assistance Program (SNAP) benefits; to preclude the department
25 from granting categorical eligibility for SNAP benefits; to
26 provide a lifetime limit of 36 months for temporary cash
27 payments under the Temporary Assistance for Needy Families

1 program (TANF); to require the department to utilize best
2 efforts to identify purchases using TANF or SNAP benefits at
3 points of sale outside this state; to require the department
4 to establish a benchmark number of out-of-state transactions
5 using TANF benefits that will automatically generate review of
6 the recipient's residency status; to require review of
7 frequent, large, even-dollar purchases using EBT cards; to
8 require review of multiple requests for replacement EBT cards
9 and investigation for suspicious activity under certain
10 conditions; to provide for the suspension of cash payments
11 under TANF when a recipient fails to comply with a fraud
12 investigation; to require the department to maintain
13 sufficient fraud investigative staff; and to provide
14 rulemaking authority.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Unless expressly required by federal law,
17 categorical eligibility exempting households from the required
18 resource limit standards of the Supplemental Nutrition
19 Assistance Program (SNAP) may not be granted for any non-cash,
20 in-kind, or other benefit.

21 Section 2. Unless expressly required by federal law,
22 the Department of Human Resources may not do either of the
23 following:

24 (1) Seek, apply for, accept, or renew any waiver of
25 work requirements for Supplemental Nutrition Assistance
26 Program (SNAP) benefits established under 7 U.S.C. § 2015(o),
27 except for a county where the unemployment rate is 10 percent

1 or greater as determined pursuant to rules adopted by the
2 department.

3 (2) Grant categorical eligibility under 7 U.S.C. §
4 2014(a) for any non-cash, in-kind, or other Supplemental
5 Nutrition Assistance Program (SNAP) benefit.

6 Section 3. Unless expressly prohibited by federal
7 law, the Department of Human Resources shall disqualify
8 recipients of benefits under the Supplemental Nutrition
9 Assistance Program (SNAP) for failure to perform program
10 actions or for continued non-compliance with administrative
11 actions as required by the Temporary Assistance for Needy
12 Families (TANF) program.

13 Section 4. (a) Except as provided in subsection (b)
14 and beginning on the effective date of this act, the lifetime
15 limit temporary cash payments under the Temporary Assistance
16 for Needy Families Program (TANF) shall be 36 months.

17 (b) The lifetime limit in subsection (a) does not
18 apply to the exceptions set forth in 42 U.S.C. § 608(a)(7).

19 Section 5. The Department of Human Resources shall
20 do all of the following:

21 (1) Utilize best efforts to identify purchases using
22 cash benefits under the Temporary Assistance for Needy
23 Families Program (TANF) and Supplemental Nutrition Assistance
24 Program (SNAP) benefits at points of sale outside this state.

25 (2) Establish a benchmark number of out-of-state
26 transactions using TANF and SNAP benefits that will generate
27 automatic review of the recipient's residency status by the

1 department. A review under this subdivision shall include
2 consideration of the residential proximity of a TANF or SNAP
3 benefit recipient to a contiguous state.

4 (3) Use best efforts to identify frequent or large
5 even-dollar purchases by recipients using EBT cards and
6 establish a benchmark that will generate automatic review of
7 the recipient's use of the cash benefits under TANF or SNAP to
8 identify fraudulent use of benefits.

9 (4) Monitor all requests for replacement electronic
10 benefits transfer cards (EBT) and, upon the fourth request in
11 a 12-month period, require an office visit in which the
12 recipient is alerted that his or her account is being
13 monitored for suspicious activity. If a recipient makes an
14 additional request for replacement EBT cards subsequent to the
15 notice required in this subdivision, the department shall
16 automatically review the recipient's use of the card to
17 identify fraudulent purchases or use.

18 (5) Adopt rules relating to cash benefits under TANF
19 and SNAP benefits to provide that any individual who has
20 failed to cooperate with a fraud investigation is ineligible
21 to participate in the TANF program until the department
22 determines that the person is reasonably cooperating with the
23 fraud investigation.

24 (6) Maintain a sufficient level of fraud
25 investigative staff to enable the department to conduct fraud
26 investigations in a timely manner and in full compliance with
27 state law and rules of the department.

1 Section 6. The Department of Human Resources may
2 adopt rules for the implementation and administration of this
3 act.

4 Section 7. This act shall become effective on
5 January 1, 2019, following its passage and approval by the
6 Governor, or its otherwise becoming law.