

1 SB139
2 189080-2
3 By Senators Orr, Holtzclaw, Williams, Livingston, Bussman,
4 Stutts, Albritton, Hightower, Scofield and Reed
5 RFD: Fiscal Responsibility and Economic Development
6 First Read: 11-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 and
15 would require individuals to cooperate with the
16 Child Support Enforcement Division in order to be
17 eligible for SNAP benefits.

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

23 This bill would require the Department of
24 Human Resources to utilize best efforts to identify
25 purchases at points of sale outside this state
26 using cash benefits under the Temporary Assistance
27 for Needy Families Program (TANF) or SNAP benefits

1 and to establish a benchmark number of out-of-state
2 transactions using TANF benefits that will
3 automatically generate review of the recipient's
4 residency status by the department, as well as
5 review of frequent or large even-dollar purchases
6 by recipients.

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

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

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Relating to public assistance; to preclude the
25 department from seeking, applying for, accepting, or renewing
26 any waiver of work requirements for Supplemental Nutrition
27 Assistance Program (SNAP) benefits; to preclude the department

1 from granting categorical eligibility for SNAP benefits; to
2 require individuals to cooperate with the Child Support
3 Enforcement Division in order to be eligible for SNAP
4 benefits; to provide a lifetime limit of 36 months for
5 temporary cash payments under the Temporary Assistance for
6 Needy Families program (TANF); to require the department to
7 utilize best efforts to identify purchases using TANF or SNAP
8 benefits at points of sale outside this state; to require the
9 department to establish a benchmark number of out-of-state
10 transactions using TANF benefits that will automatically
11 generate review of the recipient's residency status; to
12 require review of frequent, large, even-dollar purchases using
13 EBT cards; to require review of multiple requests for
14 replacement EBT cards and investigation for suspicious
15 activity under certain conditions; to provide for the
16 suspension of cash payments under TANF when a recipient fails
17 to comply with a fraud investigation; to require the
18 department to maintain sufficient fraud investigative staff;
19 and to provide rulemaking authority.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

4 (1) Seek, apply for, accept, or renew any waiver of
5 work requirements for Supplemental Nutrition Assistance
6 Program (SNAP) benefits established under 7 U.S.C. § 2015(o),
7 except for a county where the unemployment rate is 10 percent
8 or greater as determined pursuant to rules adopted by the
9 department.

10 (2) Grant categorical eligibility under 7 U.S.C. §
11 2014(a) or 7 C.F.R § 273.2(j) (2) (iii) for any non-cash,
12 in-kind, or other Supplemental Nutrition Assistance Program
13 (SNAP) benefit.

14 Section 3. Unless expressly prohibited by federal
15 law, the Department of Human Resources shall do both of the
16 following with regard to benefits under the Supplemental
17 Nutrition Assistance Program (SNAP):

18 (1) Disqualify recipients of benefits under SNAP for
19 failure to perform actions required by the Temporary
20 Assistance for Needy Families (TANF) program.

21 (2) Require individuals to cooperate with the Child
22 Support Enforcement Division as a condition of eligibility for
23 SNAP benefits, pursuant to 7 C.F.R § 273.11(o) and 7 C.F.R. §
24 273.11(p).

25 Section 4. (a) Except as provided in subsection (b)
26 and beginning on the effective date of this act, the lifetime

1 limit temporary cash payments under the Temporary Assistance
2 for Needy Families Program (TANF) shall be 36 months.

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

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

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

11 (2) Establish a benchmark number of out-of-state
12 transactions using TANF and SNAP benefits that will generate
13 automatic review of the recipient's residency status by the
14 department.

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

20 (4) Monitor all requests for replacement electronic
21 benefits transfer cards (EBT) and, upon the fourth request in
22 a 12-month period, require an office visit in which the
23 recipient is alerted that his or her account is being
24 monitored for suspicious activity. If a recipient makes an
25 additional request for replacement EBT cards subsequent to the
26 notice required in this subdivision, the department shall

1 automatically review the recipient's use of the card to
2 identify fraudulent purchases or use.

3 (5) Adopt rules relating to cash benefits under TANF
4 and SNAP benefits to provide that any individual who has
5 failed to cooperate with a fraud investigation is ineligible
6 to participate in the TANF program until the department
7 determines that the person is reasonably cooperating with the
8 fraud investigation.

9 (6) Maintain a sufficient level of fraud
10 investigative staff to enable the department to conduct fraud
11 investigations in a timely manner and in full compliance with
12 state law and rules of the department.

13 Section 6. The Department of Human Resources may
14 adopt rules for the implementation and administration of this
15 act.

16 Section 7. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.