

1 SB116
2 154556-6
3 By Senators Orr, Scofield, Taylor, Allen, Beason, Pittman and
4 Holtzclaw
5 RFD: Fiscal Responsibility and Accountability
6 First Read: 14-JAN-14

1 SB116

2
3
4 ENROLLED, An Act,

5 Relating to public assistance benefits; to prohibit
6 a recipient of public assistance from using benefits to
7 purchase any alcoholic beverage, tobacco product, or lottery
8 ticket; to prohibit a recipient of public assistance benefits
9 from withdrawing or using public assistance benefits in a
10 retail establishment that primarily sells alcoholic beverages,
11 a casino, a tattoo or body piercing facility, a facility
12 providing psychic services, or an establishment that provides
13 adult-oriented entertainment in which performers disrobe or
14 perform in an unclothed state; to provide penalties for
15 violations; to allow a parent of a minor child who is
16 disqualified from receiving benefits to designate a third
17 party to receive the benefits for the benefit of the minor
18 child; to require the Department of Human Resources to notify
19 applicants and recipients of public assistance of the
20 restrictions and penalties for violations; to require the
21 Department of Human Resources to consult with providers of
22 automatic teller machine services to consider and implement a
23 program or method of blocking access to cash benefits from
24 Electronic Benefits Transfer cards issued by the department at
25 automatic teller machines located in certain establishments if

1 feasible; to provide rulemaking authority to the department;
2 and to require the department to perform monthly matches to
3 determine eligibility based upon incarceration and whether the
4 recipient is deceased.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

22 b. Upon the second violation, the person shall be
23 disqualified from receiving public assistance benefits by
24 means of direct cash payment or electronic benefits transfer
25 access card for three months.

1 c. Upon a third or subsequent violation, the person
2 shall be permanently disqualified from receiving public
3 assistance benefits by means of direct cash payment or an
4 electronic benefits transfer access card.

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

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

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

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

5 c. Upon a third or subsequent violation, the person
6 shall be permanently disqualified from receiving public
7 assistance benefits by means of direct cash payment or an
8 electronic benefits transfer access card.

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

13 (d) If a parent is deemed permanently disqualified
14 from receiving public assistance benefits under subsection (b)
15 or (c), the dependent child or other adult family member's
16 eligibility for public assistance benefits is not affected.

17 (1) An appropriate protective payee shall be
18 designated to receive benefits on behalf of the child members.

19 (2) The parent may choose to designate another
20 person to receive benefits for the minor child members. The
21 designated person must be an immediate family member or, if an
22 immediate family member is not available or the family member
23 declines the option, another person may be designated. The
24 designated person must be approved by the department.

1 (e) The Department of Human Resources shall inform
2 all applicants for and recipients of public assistance
3 benefits of the restrictions contained in this section and the
4 penalties for violating those restrictions through any means
5 practical.

6 (f) (1) The Department of Human Resources shall
7 consult with providers of automatic teller machine services to
8 consider the implementation of a program or method of blocking
9 access to cash benefits from an electronic benefits transfer
10 access card issued by the department at automatic teller
11 machines located in or at a retail establishment the primary
12 purchase of which is the sale of alcoholic beverages, a
13 casino, a tattoo facility, a facility providing psychic
14 services, or an establishment that provides adult-oriented
15 entertainment in which performers disrobe or perform in an
16 unclothed state. If the department determines the
17 implementation of a program is feasible, the department shall
18 initiate the program by October 1, 2015.

19 (2) If the department requires a federal waiver to
20 comply with this section, the department shall apply
21 immediately for the federal waiver.

22 (g) The Department of Human Resources shall adopt
23 rules to implement this section.

24 Section 2. (a) For the purposes of this section, the
25 term "public assistance benefits" means money or property

1 provided directly or indirectly to eligible persons through
2 programs of the federal government, the state, or any
3 political subdivision thereof, and administered by the Alabama
4 Department of Human Resources.

5 (b) (1) The Alabama Department of Human Resources
6 shall perform a monthly incarceration match to obtain
7 information to assist in determining eligibility for public
8 assistance benefits based on incarceration status.

9 (2) If the department determines that a recipient of
10 public assistance benefits is incarcerated at the time the
11 incarceration match is performed, the department shall not
12 issue an electronic benefits transfer access card to the
13 incarcerated recipient. If an electronic benefits transfer
14 access card has already been issued to the incarcerated
15 recipient, the department shall deactivate the card.

16 (c) The department shall perform a monthly match
17 using the United States Social Security Death Index Database
18 to determine if a recipient is deceased. If the department
19 determines that the recipient is deceased at the time the
20 index match is performed, the department shall not issue an
21 electronic benefits transfer access card. If an electronic
22 benefits transfer access card has already been issued to the
23 deceased recipient, the department shall deactivate the card.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB116

Senate 26-FEB-14

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 01-APR-14

By: Senator Orr