

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 522, As Amended

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO PUBLIC ASSISTANCE BENEFIT CARDS; AMENDING CHAPTER 2, TITLE 56,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-227F, IDAHO CODE, TO PRO-
3 VIDE FOR PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS BY RECIPI-
4 ENTS, TO REQUIRE CERTAIN BUSINESSES TO COMPLY WITH PROHIBITED USES OF
5 PUBLIC ASSISTANCE BENEFIT CARDS, TO AUTHORIZE THE DEPARTMENT TO NOTIFY
6 A BUSINESS AND A LICENSING AUTHORITY IF A BUSINESS DOES NOT COMPLY WITH
7 THE PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS, TO PROVIDE THAT
8 ONLY A RECIPIENT OR AUTHORIZED USER CAN USE A PUBLIC ASSISTANCE BENEFIT
9 CARD, TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE TO RECIPIENTS, TO PRO-
10 VIDE FOR A PENALTY, TO DEFINE TERMS AND TO PROVIDE FOR ENFORCEMENT.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 56-227F, Idaho Code, and to read as follows:

16 56-227F. PUBLIC ASSISTANCE BENEFIT CARDS -- PROHIBITED USES. (1) Any
17 recipient of public assistance is prohibited from using public assistance
18 benefit cards or cash obtained with public assistance benefit cards:

19 (a) For the purpose of participating in any of the activities described
20 under chapters 38 and 49, title 18, Idaho Code, or authorized pursuant
21 to any state-tribal gaming compact under section 67-429A, Idaho Code;

22 (b) For the purpose of pari-mutuel betting authorized under chapter 25,
23 title 54, Idaho Code;

24 (c) To purchase lottery tickets or shares authorized under chapter 74,
25 title 67, Idaho Code;

26 (d) For the purpose of participating in or purchasing tattoo, branding
27 or body piercing services as defined in section 18-1523, Idaho Code;

28 (e) To purchase cigarettes as defined in section 39-7802(d), Idaho
29 Code, or tobacco products as defined in section 39-5702(13), Idaho
30 Code;

31 (f) To purchase any items regulated under title 23, Idaho Code;

32 (g) For the purpose of adult entertainment at venues with performances
33 that contain sexually oriented material where minors under the age of
34 eighteen (18) are prohibited; or

35 (h) For the purpose of purchasing or participating in any activities in
36 any location listed in subsection (2) of this section.

37 (2) The following businesses are required to comply with the provisions
38 of this section:

39 (a) Any establishment or business licensed under chapter 9, title 23,
40 Idaho Code;

1 (b) State liquor stores defined under section 23-902, Idaho Code, with
2 the exception of special distributors as referenced in chapter 3, title
3 23, Idaho Code;

4 (c) Any business or agency that issues or underwrites bail bonds as de-
5 fined in section 41-1038(3), Idaho Code;

6 (d) Gambling establishments licensed under Idaho law;

7 (e) Any business or establishment that offers tattoo, body piercing or
8 branding services as defined in section 18-1523, Idaho Code;

9 (f) Adult entertainment venues with performances that contain sexually
10 oriented material where minors under the age of eighteen (18) are pro-
11 hibited; and

12 (g) Any establishment where persons under the age of eighteen (18) are
13 not permitted.

14 (3) The department shall notify any business determined to be in viola-
15 tion of the provisions of subsection (2) of this section and the licensing
16 authority of any such business, if applicable, that such business has con-
17 tinued to allow the use of a public assistance benefit card in violation of
18 subsection (2) of this section. The department may require the Idaho quest
19 electronic benefits transfer (EBT) card business identification number
20 (BIN) be disabled at any business found to be in violation of subsection (2)
21 of this section. Any business in violation of subsection (2) of this section
22 may also be required to deny all public assistance cash transactions made
23 with an Idaho quest EBT card at any automated teller machine (ATM) located
24 in their establishment. All costs associated with disabling the BIN and ATM
25 will be the responsibility of such business owner.

26 (4) Only the recipient, an eligible member of the recipient's house-
27 hold or the recipient's authorized representative may use a public assis-
28 tance benefit card or the benefit, and such use shall only be for the re-
29 spective benefit program purposes. The recipient shall not sell, attempt to
30 sell, exchange or donate a public assistance benefit card or any benefits to
31 any other person or entity.

32 (5) A violation of subsection (1) or (4) of this section by a recipient
33 constitutes a misdemeanor.

34 (a) The department shall notify all recipients of public assistance
35 benefit cards that any violation of subsection (1) or (4) of this sec-
36 tion could result in legal proceedings and forfeiture of all cash public
37 assistance.

38 (b) Whenever the department has confirmed that a person has violated
39 subsection (1) or (4) of this section, the department shall notify the
40 person in writing that the violation could result in legal proceedings
41 and forfeiture of all cash public assistance.

42 (6) As used in this section, "public assistance" or "public assistance
43 benefit" means benefits provided to a recipient pursuant to the temporary
44 assistance for families in Idaho (TAFI) program on an Idaho quest EBT card
45 account.

46 (7) This section shall be enforced by the director of the department of
47 health and welfare in cooperation with local law enforcement and prosecuting
48 agencies.