

Regular Session, 2012

HOUSE BILL NO. 95

BY REPRESENTATIVES HENRY AND HAVARD

WELFARE: Prohibits the conversion to cash of Family Independence Temporary Assistance Program (FITAP) benefits issued electronically and prohibits the use of such benefits in liquor stores, gaming establishments, and sexually oriented businesses

1 AN ACT

2 To amend and reenact R.S. 46:231.13 and 450.1(B)(6) and (C)(3) and to enact R.S.  
3 46:231(15), (16), and (17), 231.2.1, and 450.1(C)(4) and (5), relative to aid to needy  
4 families; to provide for the Family Independence Temporary Assistance Program;  
5 to prohibit certain uses of Family Independence Temporary Assistance Program  
6 benefits; to provide limitations on retailers participating in the cash assistance  
7 electronic benefits transfer system; to provide for definitions; to authorize  
8 promulgation of rules; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:231.13 and 450.1(B)(6) and (C)(3) are hereby amended and  
11 reenacted and R.S. 46:231(15), (16), and (17), 231.2.1, and 450.1(C)(4) and (5) are hereby  
12 enacted to read as follows:

13 §231. Aid to needy families; definitions

14 As used in this Subpart, unless the context clearly requires otherwise:

15 \* \* \*

16 (15) "Gaming establishment" means any establishment which provides  
17 gaming activities which are subject to regulation by the Louisiana Gaming Control  
18 Board.





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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Henry

HB No. 95

**Abstract:** Prohibits the conversion to cash of Family Independence Temporary Assistance Program (FITAP) benefits issued electronically and prohibits the use of such benefits in liquor stores, gaming establishments, and sexually oriented businesses.

Present law provides that the Family Independence Temporary Assistance Program (FITAP) is the cash assistance program for needy families of this state established pursuant to the Federal Welfare Reform Act of 1996.

Proposed law provides the following definitions:

- (1) "Gaming establishment" means any establishment which provides gaming activities which are subject to regulation by the La. Gaming Control Board.
- (2) "Liquor store" means any retail establishment which sells exclusively or primarily intoxicating liquor, except a grocery store which sells both intoxicating liquor and groceries including staple foods as defined in Section 3(r) of the Food and Nutrition Act of 2008.
- (3) "Sexually oriented business" means any commercial enterprise which has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Proposed law provides that the Dept. of Children and Family Services (DCFS) shall ensure that no FITAP assistance is used in any transaction in a liquor store, gaming establishment, or sexually oriented business. Provides that DCFS shall ensure that no FITAP assistance issued on an electronic benefits transfer card is drawn in the form of cash from an automated teller machine or a retailer. Provides further that no FITAP assistance is remitted at any retailer for the purchase of an alcoholic beverage.

Present law provides that retailers participating in the cash assistance electronic benefits transfer (EBT) system are not prohibited from charging or assessing a fee against cash assistance recipients who are accessing benefits for the sole purpose of obtaining cash. Proposed law amends present law to provide that no retailer participating in the cash assistance EBT system shall allow a cash assistance recipient to obtain cash through the use of an electronic benefits transfer card.

Proposed law deletes present law which provides that the contract program selected by DCFS to provide the electronic benefits issuance system shall install and maintain automated teller machines in DCFS parish offices, in retail establishments which accept food stamps, and in other appropriate locations of participants in the program.

Present law provides that the contract program selected by DCFS to provide the electronic benefits issuance system shall ensure that such system allows the merchant to charge the recipient reasonable and customary charges for the provision of cash back services. Proposed law amends present law to provide that such system shall not allow a merchant to provide any cash back services.

Proposed law provides that the contract program selected by DCFS to provide the electronic benefits issuance system shall ensure that no gaming establishment, liquor store, or sexually oriented business as defined in proposed law participates as a merchant in the system. Provides that such contract program also ensure that no FITAP assistance is remitted at any participating retailer for the purchase of an alcoholic beverage.

Proposed law provides that DCFS shall promulgate, in accordance with the Administrative Procedure Act, any rules necessary to implement the provisions of proposed law.

(Amends R.S. 46:231.13 and 450.1(B)(6) and (C)(3); Adds R.S. 46:231(15), (16), and (17), 231.2.1, and 450.1(C)(4) and (5))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Added provision to proposed law which prohibits remittance of FITAP assistance to any retailer for the purchase of an alcoholic beverage.
2. Made technical change.