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HOUSE BILL 12

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO PUBLIC ASSISTANCE; ENACTING A NEW SECTION OF THE  
NEW MEXICO WORKS ACT TO PLACE SPENDING RESTRICTIONS ON CASH  
ASSISTANCE ISSUED PURSUANT TO THE NEW MEXICO WORKS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the New Mexico Works Act is  
enacted to read:

"~~[NEW MATERIAL]~~ CASH ASSISTANCE--SPENDING RESTRICTIONS.--

A. The department shall adopt and promulgate rules  
to restrict participants from using cash assistance benefits in  
electronic benefits transfer transactions at:

- (1) a liquor store;
- (2) a gaming establishment; or
- (3) a retail establishment that provides

adult-oriented entertainment in which performers disrobe or

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1 perform in an unclothed state for entertainment.

2 B. As used in this section:

3 (1) "electronic benefits transfer transaction"  
4 means the use of a debit card service automated teller machine,  
5 point-of-sale terminal or access to an online system for the  
6 withdrawal of funds or the process of a payment for merchandise  
7 or a service;

8 (2) "gaming activity" means an activity in  
9 which, upon payment of consideration, a player receives a prize  
10 or other thing of value, the award of which is determined by  
11 chance even though accompanied by some skill;

12 (3) "gaming establishment" means an  
13 establishment whose principal purpose of business is gaming  
14 activity. "Gaming establishment" does not include:

15 (a) a private residence in which no  
16 person makes money for operating the activity except through  
17 winnings as a player;

18 (b) a grocery store whose primary  
19 business is the sale of basic dietary items, even if the  
20 grocery store is located within the same building or complex as  
21 a gaming establishment; or

22 (c) an establishment that offers gaming  
23 activity incidental to the principal purposes of the business;  
24 and

25 (4) "liquor store" means a retail

.190917.1

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1 establishment that sells exclusively or primarily intoxicating  
2 liquor. "Liquor store" does not mean a grocery store that  
3 sells both intoxicating liquor and basic dietary items."

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