

SECOND REGULAR SESSION

HOUSE BILL NO. 3245

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

6851H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 208.024 and 208.182, RSMo, and to enact in lieu thereof one new section relating to public assistance benefits, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 208.024 and 208.182, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 208.024, to read as follows:

208.024. 1. Eligible recipients of temporary assistance for needy families (TANF) or ~~[supplementary]~~ **supplemental** nutrition assistance program (SNAP) benefits shall not use such funds in any electronic benefit transfer transaction in any ~~[liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult oriented entertainment in which performers disrobe or perform in an uncllothed state for entertainment]~~ **prohibited establishment**, or in any place for ~~[the purchase of alcoholic beverages, lottery tickets, or tobacco products or for any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household]~~ **a prohibited purchase**. An eligible recipient of TANF or SNAP assistance who makes a purchase in violation of this section shall reimburse the department of social services for such purchase. **For any offense under this subsection, a TANF recipient shall lose his or her TANF benefits as follows:**

(1) **For the first occurrence of noncompliance, the individual shall be disqualified for three months;**

(2) **For the second occurrence of noncompliance, the individual shall be disqualified for six months; and**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(3) For any third or subsequent occurrence of noncompliance, the individual**
18 **shall be disqualified for a period of five years.**

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20 **An individual may resume participation in the program at the end of a disqualification**
21 **period if the individual applies and is determined to be eligible.**

22 2. An individual, store owner or proprietor of an establishment shall not knowingly
23 accept TANF cash assistance or ~~supplementary nutrition assistance program (SNAP)] SNAP~~
24 funds held on electronic benefit transfer cards for ~~[the purchase of alcoholic beverages, lottery~~
25 ~~tickets, or tobacco products]~~ **a prohibited purchase** or ~~[for use in any electronic benefit~~
26 ~~transfer transaction]~~ in any ~~[liquor store, casino, gambling casino, or gaming establishment,~~
27 ~~any retail establishment which provides adult-oriented entertainment in which performers~~
28 ~~disrobe or perform in an unclothed state for entertainment, or in any place for the purchase of~~
29 ~~alcoholic beverages, lottery tickets, or tobacco products or for any item the department~~
30 ~~determines by rule is primarily marketed for or used by adults eighteen or older and is not in~~
31 ~~the best interests of the child or household]~~ **prohibited establishment**. No store owner or
32 proprietor of any ~~[liquor store, casino, gambling casino, gaming establishment, or any retail~~
33 ~~establishment which provides adult-oriented entertainment in which performers disrobe or~~
34 ~~perform in an unclothed state for entertainment]~~ **prohibited establishment** shall adopt any
35 policy, either explicitly or implicitly, which encourages, permits, or acquiesces in its
36 employees knowingly accepting electronic benefit transfer cards in violation of this section.
37 This section shall not be construed to require any store owner or proprietor of an
38 establishment which is not a ~~[liquor store, casino, gambling casino, gaming establishment, or~~
39 ~~retail establishment which provides adult-oriented entertainment in which performers disrobe~~
40 ~~or perform in an unclothed state for entertainment]~~ **prohibited establishment** to check the
41 source of payment from every individual who ~~[purchases alcoholic beverages, lottery tickets,~~
42 ~~tobacco products, or any item the department determines by rule is primarily marketed for or~~
43 ~~used by adults eighteen or older and is not in the best interests of the child or household]~~
44 **makes a prohibited purchase**. An individual, store owner or proprietor of an establishment
45 who knowingly accepts electronic benefit transfer cards in violation of this section shall be
46 punished by a fine of not more than five hundred dollars for the first offense, a fine of not less
47 than five hundred dollars nor more than one thousand dollars for the second offense, and a
48 fine of not less than one thousand dollars for the third or subsequent offense.

49 3. Any recipient of TANF or SNAP benefits who does not make at least one
50 electronic benefit transfer transaction within the state for a period of ninety days shall have
51 his or her benefit payments to the electronic benefit account temporarily suspended, pending
52 an investigation by the department of social services to determine if the recipient is no longer
53 a Missouri resident. If the department finds that the recipient is no longer a Missouri resident,

54 it shall close the recipient's case. Closure of a recipient's case shall trigger the automated
55 benefit eligibility process under section 208.238. A recipient may appeal the closure of his or
56 her case to the director under section 208.080.

57 4. A recipient who does not make an electronic benefit transfer transaction within the
58 state for a period of sixty days shall be provided notice of the possibility of the suspension of
59 funds if no electronic benefit transfer transaction occurs in the state within another thirty days
60 after the date of the notice.

61 5. **(1) The department shall apply for a waiver from the federal Department of**
62 **Health and Human Services authorizing the implementation of subdivision (2) of this**
63 **subsection if the department determines that a waiver is necessary for such**
64 **implementation.**

65 **(2) No recipient of TANF or SNAP benefits shall use his or her electronic benefit**
66 **transfer (EBT) card at any automated teller machine (ATM), to receive cash back on a**
67 **purchase, or to otherwise access the benefits as cash.**

68 6. For purposes of this section:

69 (1) The following terms shall mean:

70 (a) "Electronic benefit transfer transaction", the use of a credit or debit card service,
71 automated teller machine, point-of-sale terminal, or access to an online system for the
72 withdrawal of funds or the processing of a payment for merchandise or a service; and

73 (b) "Liquor store", any retail establishment which sells exclusively or primarily
74 intoxicating liquor. Such term does not include a grocery store which sells both intoxicating
75 liquor and groceries including staple foods as outlined under the Food and Nutrition Act of
76 2008;

77 (c) "Pornography", any of the following:

78 a. Any obscene material or performance depicting sexual conduct, sexual
79 contact as defined in section 566.010, or a sexual performance; or

80 b. Any visual depiction, including any photograph, film, video, picture, or
81 computer or computer-generated image or picture, whether made or produced by
82 electronic, mechanical, or other means, of sexually explicit conduct;

83 (d) "Prohibited establishment", any liquor store, casino, gambling casino,
84 gaming establishment, or any retail establishment that provides adult-oriented
85 entertainment in which performers disrobe or perform in an unclothed state for
86 entertainment;

87 (e) "Prohibited purchase", alcoholic beverages, lottery tickets, pornography, or
88 tobacco products, or any item the department determines by rule is primarily marketed
89 for or used by adults eighteen years of age or older and is not in the best interests of a
90 child or household;

91 (f) "Tobacco products", cigarettes, cigarette papers, cigars, smokeless tobacco,
92 smoking tobacco, vapor products, or any other form of tobacco products or products
93 made with tobacco substitute containing nicotine;

94 (2) Casinos, gambling casinos, or gaming establishments shall not include:

95 (a) A grocery store which sells groceries including staple foods, and which also
96 offers, or is located within the same building or complex as a casino, gambling, or gaming
97 activities; or

98 (b) Any other establishment that offers casino, gambling, or gaming activities
99 incidental to the principal purpose of the business.

2 ~~[208.182. 1. The family support division shall establish pilot projects~~
3 ~~in St. Louis City and in any county with a population of six hundred thousand~~
4 ~~or more, which shall provide for a system of electronic transfer of benefits to~~
5 ~~public assistance recipients. Such system shall allow recipients to obtain cash~~
6 ~~from automated teller machines or point of sale terminals. If less than the total~~
7 ~~amount of benefits is withdrawn, the recipient shall be given a receipt showing~~
8 ~~the current status of his or her account.~~

9 ~~2. The disclosure of any information provided to a financial~~
10 ~~institution, business or vendor by the family support division under this~~
11 ~~section is prohibited. Such financial institution, business or vendor may not~~
12 ~~use or sell such information and may not divulge the information without a~~
13 ~~court order. Violation of this subsection is a class A misdemeanor.~~

14 ~~3. Subject to appropriations and subject to receipt of waivers from the~~
15 ~~federal government to prevent the loss of any federal funds, the department of~~
16 ~~social services shall require the use of photographic identification on~~
17 ~~electronic benefit transfer cards issued to recipients in this system. Such~~
18 ~~photographic identification electronic benefit transfer card shall be in a form~~
19 ~~approved by the department of social services.~~

20 ~~4. The family support division shall promulgate rules and regulations~~
21 ~~necessary to implement the provisions of this section pursuant to section~~
22 ~~660.017 and chapter 536.~~

23 ~~5. The delivery of electronic benefits and the electronic eligibility~~
24 ~~verification, including, but not limited to, aid to families with dependent~~
25 ~~children (AFDC), women, infants and children (WIC), early periodic~~
26 ~~screening diagnosis and treatment (EPSDT), food stamps, supplemental~~
27 ~~security income (SSI), including Medicaid, child support, and other programs,~~
28 ~~shall reside in one card that may be enabled by function from time to time in a~~
~~convenient manner.]~~

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