

By: Springer

H.B. No. 3463

A BILL TO BE ENTITLED

AN ACT

relating to a photo identification requirement to use certain state benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0911 to read as follows:

Sec. 531.0911. DISQUALIFICATION OF RETAILER VIOLATING PHOTO IDENTIFICATION REQUIREMENTS. (a) In this section:

(1) "Financial assistance program" means the financial assistance program established under Chapter 31, Human Resources Code.

(2) "Retailer" means a business approved for participation in the financial assistance program or the supplemental nutrition assistance program, including a provider of goods or services described by Section 31.0355(a), Human Resources Code.

(3) "Supplemental nutrition assistance program" has the meaning assigned by Section 33.051, Human Resources Code.

(b) The executive commissioner shall adopt rules to require that a retailer who violates Section 31.0356(b) or 33.0232(b), Human Resources Code, be disqualified from participation as a retailer in the financial assistance and supplemental nutrition assistance programs for a period not to exceed one month.

SECTION 2. Section 31.0355(b), Human Resources Code, is

1 amended to read as follows:

2 (b) If a recipient of financial assistance who receives the  
3 assistance by electronic benefits transfer to an account is  
4 authorized to make a cash withdrawal from the account through a  
5 provider of the goods or services described by Subsection (a), the  
6 recipient may make the cash withdrawal only:

7 (1) at the customer service department of the provider  
8 and not at the provider's point-of-sale terminal; and

9 (2) after the recipient presents the provider with  
10 photo identification in accordance with Section 31.0356.

11 SECTION 3. Subchapter B, Chapter 31, Human Resources Code,  
12 is amended by adding Section 31.0356 to read as follows:

13 Sec. 31.0356. PHOTO IDENTIFICATION TO USE BENEFITS. (a) In  
14 this section, "photo identification" means a card or other document  
15 that:

16 (A) is issued by a governmental entity that  
17 identifies an individual; and

18 (B) displays a photograph of the individual  
19 identified on the card or other document.

20 (b) A provider of goods or services that are described by  
21 Section 31.0355(a) may not allow a recipient of financial  
22 assistance who receives the assistance by electronic benefits  
23 transfer to an account, or other person authorized to use the  
24 account to make purchases on behalf of the recipient, to use the  
25 account to make a purchase or make a cash withdrawal from the  
26 account through the provider unless the recipient or other person  
27 presents photo identification verifying the person's identity as

1 the person authorized to use the account.

2 SECTION 4. Subchapter A, Chapter 33, Human Resources Code,  
3 is amended by adding Section 33.0232 to read as follows:

4 Sec. 33.0232. PHOTO IDENTIFICATION TO USE BENEFITS. (a) In  
5 this section, "photo identification" has the meaning assigned by  
6 Section 31.0356, Human Resources Code.

7 (b) A supplemental nutrition assistance program retailer  
8 may not allow a recipient of program benefits who receives the  
9 benefits by electronic benefits transfer to an account, or other  
10 person authorized to use the account to make purchases on behalf of  
11 the recipient, to use the account to make a purchase unless the  
12 recipient or other person presents photo identification verifying  
13 the person's identity as the person authorized to use the account.

14 SECTION 5. Not later than December 1, 2015, the executive  
15 commissioner of the Health and Human Services Commission shall  
16 adopt rules required under Section 531.0911, Government Code, as  
17 added by this Act.

18 SECTION 6. If before implementing any provision of this Act  
19 a state agency determines that a waiver or authorization from a  
20 federal agency is necessary for implementation of that provision,  
21 the agency affected by the provision shall request the waiver or  
22 authorization and may delay implementing that provision until the  
23 waiver or authorization is granted.

24 SECTION 7. This Act takes effect September 1, 2015.