

By: Campbell, Perry

S.B. No. 874

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. PHOTOGRAPH ON CERTAIN ELECTRONIC BENEFITS TRANSFER CARDS. (a) In this section:

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

(2) "Photo identification" means a card or other document that:

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

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

(3) "Recipient" means a person who receives benefits under the financial assistance program or the supplemental nutrition assistance program.

(4) "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 recipient, or other person authorized on the recipient's

1 account, for purposes of receiving benefits under the financial  
2 assistance program or the supplemental nutrition assistance  
3 program, be issued an electronic benefits transfer card that  
4 displays the name and photograph of the recipient or other  
5 authorized person, as applicable, if the recipient or other  
6 authorized person, as applicable, does not otherwise possess photo  
7 identification.

8 SECTION 2. Section 31.0355(b), Human Resources Code, is  
9 amended to read as follows:

10 (b) If a recipient of financial assistance who receives the  
11 assistance by electronic benefits transfer to an account is  
12 authorized to make a cash withdrawal from the account through a  
13 provider of the goods or services described by Subsection (a), the  
14 recipient may make the cash withdrawal only:

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

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

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

21 Sec. 31.0356. PHOTO IDENTIFICATION TO USE BENEFITS. (a) In  
22 this section, "photo identification" has the meaning assigned by  
23 Section 531.0911, Government Code.

24 (b) A provider of goods or services that are described by  
25 Section 31.0355(a) may not allow a recipient of financial  
26 assistance who receives the assistance by electronic benefits  
27 transfer to an account, or other person authorized to use the

1 account to make purchases on behalf of the recipient, to use the  
2 account to make a purchase or make a cash withdrawal from the  
3 account through the provider unless the recipient or other person  
4 presents photo identification verifying the person's identity as  
5 the person authorized to use the account.

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

8 Sec. 33.0232. PHOTO IDENTIFICATION TO USE BENEFITS. (a) In  
9 this section, "photo identification" has the meaning assigned by  
10 Section 531.0911, Government Code.

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

18 SECTION 5. Not later than December 1, 2015, the executive  
19 commissioner of the Health and Human Services Commission shall:

20 (1) adopt rules required under Section 531.0911,  
21 Government Code, as added by this Act; and

22 (2) ensure the issuance of new electronic benefits  
23 transfer cards to appropriate recipients under the financial  
24 assistance program under Chapter 31, Human Resources Code, and the  
25 supplemental nutrition assistance program under Chapter 33, Human  
26 Resources Code, in accordance with Section 531.0911, Government  
27 Code, as added by this Act.

1           SECTION 6. Notwithstanding Sections 31.0356 and 33.0232,  
2 Human Resources Code, as added by this Act, a provider of goods or  
3 services or a retailer, as applicable, may not require the user of  
4 an electronic benefits transfer card to present photo  
5 identification in accordance with those sections until December 1,  
6 2015.

7           SECTION 7. If before implementing any provision of this Act  
8 a state agency determines that a waiver or authorization from a  
9 federal agency is necessary for implementation of that provision,  
10 the agency affected by the provision shall request the waiver or  
11 authorization and may delay implementing that provision until the  
12 waiver or authorization is granted.

13           SECTION 8. This Act takes effect September 1, 2015.