

By: Davis of Harris

H.B. No. 146

A BILL TO BE ENTITLED

AN ACT

relating to the use of supplemental nutrition assistance program benefits by electronic benefits transfer.

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

SECTION 1. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Sections 33.0232 and 33.030 to read as follows:

Sec. 33.0232. IDENTITY VERIFICATION TO USE BENEFITS. (a)

In this section, "retailer" means a business approved for participation in the supplemental nutrition assistance program and includes an employee of the business.

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

(c) To verify the person's identity under Subsection (b), a person may present any document that reasonably establishes the person's identity, including:

(1) a driver's license;

(2) a work or school identification card;

(3) an identification card for health benefits or for another assistance or social services program;

1 (4) a voter registration card;

2 (5) a wage stub; or

3 (6) a birth certificate.

4 (d) A retailer may not require a person to present a
5 specific type of document to verify the person's identity under
6 Subsection (b).

7 (e) The executive commissioner shall adopt rules to require
8 that a recipient, or other person authorized to use the recipient's
9 account, for purposes of receiving benefits under the supplemental
10 nutrition assistance program, be issued an electronic benefits
11 transfer card that displays the name of the recipient or other
12 authorized person, as applicable.

13 Sec. 33.030. NOTICE OF PENALTY. (a) In this section,
14 "retailer" means a business approved for participation in the
15 supplemental nutrition assistance program.

16 (b) A retailer shall notify its customers of the penalties
17 under Section 33.011 for the unauthorized use of a supplemental
18 nutrition assistance program electronic benefits transfer card by:

19 (1) displaying a sign, at a location where the public
20 can reasonably see the sign, that states: "By using a supplemental
21 nutrition assistance program electronic benefits transfer (EBT)
22 card, or 'Lone Star Card,' you certify that you are authorized to
23 use the card. Unauthorized use of the card is a criminal offense
24 punishable as a Class A misdemeanor or a felony of the third
25 degree."; or

26 (2) electronically displaying the statement in
27 Subdivision (1) at the point of sale terminal for each transaction

1 involving the use of a supplemental nutrition assistance program
2 electronic benefits transfer card.

3 (c) A retailer shall display the statement in Subsection (b)
4 in English and in another language spoken by a substantial portion
5 of the retailer's customers.

6 SECTION 2. Not later than December 1, 2017, the executive
7 commissioner of the Health and Human Services Commission shall:

8 (1) adopt rules required under Section 33.0232(e),
9 Human Resources Code, as added by this Act; and

10 (2) ensure the issuance of new electronic benefits
11 transfer cards to appropriate recipients under the supplemental
12 nutrition assistance program under Chapter 33, Human Resources
13 Code, in accordance with Section 33.0232(e), Human Resources Code,
14 as added by this Act.

15 SECTION 3. Notwithstanding Section 33.0232, Human
16 Resources Code, as added by this Act, a retailer may not require the
17 user of an electronic benefits transfer card to present
18 documentation verifying the user's identity in accordance with that
19 section until December 1, 2017.

20 SECTION 4. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the
25 waiver or authorization is granted.

26 SECTION 5. This Act takes effect September 1, 2017.