

A BILL TO BE ENTITLED

AN ACT

relating to electronic benefits transfer cards used by recipients of benefits under certain assistance programs.

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 AND OTHER INFORMATION 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) "Recipient" means a person who receives benefits under the financial assistance program or the supplemental nutrition assistance program.

(3) "Supplemental nutrition assistance program" has the meaning assigned by Section 33.0005, Human Resources Code.

(b) Subject to Subsection (d), the commission shall ensure that the front side of each electronic benefits transfer card used by a recipient for purposes of receiving benefits under the financial assistance program or the supplemental nutrition assistance program displays:

(1) the name and photograph of the recipient;

(2) the words "Fraud Hotline" followed by the telephone number of the commission's toll-free hotline for

1 reporting suspected fraud required under Section 531.108(b)(2);  
2 and

3 (3) the Internet website address maintained by the  
4 commission for the purpose of allowing persons to report suspected  
5 fraud in either the financial assistance program or the  
6 supplemental nutrition assistance program.

7 (c) The Department of Public Safety shall provide to the  
8 commission the photograph of a recipient that the department has in  
9 its records for purposes of complying with Subsection (b)(1). The  
10 commission and the department may enter into a memorandum of  
11 understanding for purposes of this subsection.

12 (d) A recipient is exempt from the photograph requirement  
13 imposed by Subsection (b) if:

14 (1) the recipient is:

15 (A) 65 years of age or older;

16 (B) younger than 19 years of age;

17 (C) blind;

18 (D) disabled;

19 (E) a victim of domestic violence;

20 (F) homeless; or

21 (G) issued the electronic benefits transfer card  
22 at a field, regional, or other local commission office; or

23 (2) the Department of Public Safety does not have a  
24 photograph of the recipient available.

25 (e) The executive commissioner may adopt rules necessary to  
26 implement this section.

27 SECTION 2. Section 730.007(c), Transportation Code, is

1 amended to read as follows:

2 (c) This section does not:

3 (1) prohibit the disclosure of a person's photographic  
4 image to:

5 (A) a law enforcement agency, the Texas  
6 Department of Motor Vehicles, a county tax assessor-collector, or a  
7 criminal justice agency for an official purpose;

8 (B) an agency of this state investigating an  
9 alleged violation of a state or federal law relating to the  
10 obtaining, selling, or purchasing of a benefit authorized by  
11 Chapter 31 or 33, Human Resources Code; ~~or~~

12 (C) an agency of this state investigating an  
13 alleged violation of a state or federal law under authority  
14 provided by Title 4, Labor Code; or

15 (D) the Health and Human Services Commission for  
16 use on an electronic benefits transfer card as required by Section  
17 531.0911, Government Code; or

18 (2) prevent a court from compelling by subpoena the  
19 production of a person's photographic image.

20 SECTION 3. (a) Except as provided by Subsection (b) of  
21 this section:

22 (1) notwithstanding Section 531.0911, Government  
23 Code, as added by this Act, the Health and Human Services Commission  
24 is not required to issue electronic benefits transfer cards that  
25 comply with that section until September 1, 2018, but is required to  
26 begin issuing cards that comply with that section beginning on that  
27 date; and

1           (2) the commission shall ensure that on or before  
2 August 31, 2020, each electronic benefits transfer card used to  
3 deliver benefits to recipients under the financial assistance  
4 program under Chapter 31, Human Resources Code, or the supplemental  
5 nutrition assistance program under Chapter 33, Human Resources  
6 Code, conforms to Section 531.0911, Government Code, as added by  
7 this Act.

8           (b) The Health and Human Services Commission is required to  
9 implement this Act only if the legislature appropriates money  
10 specifically for that purpose. If the legislature does not  
11 appropriate money specifically for that purpose, the commission  
12 may, but is not required to, implement this Act using other  
13 appropriations available for the purpose.

14           SECTION 4. If before implementing any provision of this Act  
15 a state agency determines that a waiver or authorization from a  
16 federal agency is necessary for implementation of that provision,  
17 the agency affected by the provision shall request the waiver or  
18 authorization and may delay implementing that provision until the  
19 waiver or authorization is granted.

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