

1-1 By: Creighton S.B. No. 671
 1-2 (In the Senate - Filed February 6, 2019; March 1, 2019, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 May 17, 2019, reported favorably by the following vote: Yeas 6,
 1-5 Nays 3; May 17, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14		X		
1-15		X		
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to electronic benefits transfer cards used by or for
 1-20 recipients of benefits under certain assistance programs.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 531, Government Code, is
 1-23 amended by adding Sections 531.0911 and 531.0912 to read as
 1-24 follows:

1-25 Sec. 531.0911. PHOTOGRAPH AND OTHER INFORMATION ON CERTAIN
 1-26 ELECTRONIC BENEFITS TRANSFER CARDS. (a) In this section:

1-27 (1) "Financial assistance program" means the
 1-28 financial assistance program established under Chapter 31, Human
 1-29 Resources Code.

1-30 (2) "Recipient" means a person who receives benefits
 1-31 under the financial assistance program or the supplemental
 1-32 nutrition assistance program.

1-33 (3) "Supplemental nutrition assistance program" has
 1-34 the meaning assigned by Section 33.0005, Human Resources Code.

1-35 (b) Subject to Subsection (d), the commission shall ensure
 1-36 that the front side of each electronic benefits transfer card used
 1-37 by a recipient or other person authorized on the recipient's
 1-38 account for purposes of receiving benefits under the financial
 1-39 assistance program or the supplemental nutrition assistance
 1-40 program displays:

1-41 (1) the name and photograph of the recipient or other
 1-42 authorized person, as appropriate;

1-43 (2) the words "Fraud Hotline" followed by the
 1-44 telephone number of the commission's toll-free hotline for
 1-45 reporting suspected fraud required under Section 531.108(b)(2);
 1-46 and

1-47 (3) the Internet website address maintained by the
 1-48 commission for the purpose of allowing persons to report suspected
 1-49 fraud in either the financial assistance program or the
 1-50 supplemental nutrition assistance program.

1-51 (c) The Department of Public Safety shall provide to the
 1-52 commission the photographs of a recipient and each person
 1-53 authorized on the recipient's account that the department has in
 1-54 its records. The commission shall use the photographs for purposes
 1-55 of complying with Subsection (b)(1). The commission and the
 1-56 department may enter into a memorandum of understanding for
 1-57 purposes of this subsection.

1-58 (d) A recipient or other person authorized on the
 1-59 recipient's account is exempt from the photograph requirement
 1-60 imposed by Subsection (b) if:

1-61 (1) the recipient or other authorized person is:

2-1 (A) 65 years of age or older;
2-2 (B) younger than 19 years of age;
2-3 (C) blind;
2-4 (D) disabled;
2-5 (E) a victim of domestic violence;
2-6 (F) homeless; or
2-7 (G) issued the electronic benefits transfer card
2-8 at a field, regional, or other local commission office; or
2-9 (2) the Department of Public Safety does not provide a
2-10 photograph of the recipient or other authorized person to the
2-11 commission under Subsection (c).
2-12 (e) The executive commissioner may adopt rules necessary to
2-13 implement this section.
2-14 Sec. 531.0912. MONITORING AND REPORTING OF ELECTRONIC
2-15 BENEFITS TRANSFER CARD REPLACEMENT REQUESTS. (a) In this section
2-16 "financial assistance program," "recipient," and "supplemental
2-17 nutrition assistance program" have the meanings assigned by Section
2-18 531.0911.
2-19 (b) The commission shall monitor the frequency with which
2-20 recipients request replacements of their electronic benefits
2-21 transfer cards used for purposes of receiving benefits under the
2-22 financial assistance program or the supplemental nutrition
2-23 assistance program. Not later than December 1 of each year, the
2-24 commission shall submit a report regarding that frequency to the
2-25 standing committees of the house of representatives and the senate
2-26 with jurisdiction over the financial assistance and supplemental
2-27 nutrition assistance programs.
2-28 SECTION 2. Section 730.007(c), Transportation Code, is
2-29 amended to read as follows:
2-30 (c) This section does not:
2-31 (1) prohibit the disclosure of a person's photographic
2-32 image to:
2-33 (A) a law enforcement agency, the Texas
2-34 Department of Motor Vehicles, a county tax assessor-collector, or a
2-35 criminal justice agency for an official purpose;
2-36 (B) an agency of this state investigating an
2-37 alleged violation of a state or federal law relating to the
2-38 obtaining, selling, or purchasing of a benefit authorized by
2-39 Chapter 31 or 33, Human Resources Code; ~~or~~
2-40 (C) an agency of this state investigating an
2-41 alleged violation of a state or federal law under authority
2-42 provided by Title 4, Labor Code; or
2-43 (D) the Health and Human Services Commission for
2-44 use on an electronic benefits transfer card as required by Section
2-45 531.0911, Government Code; or
2-46 (2) prevent a court from compelling by subpoena the
2-47 production of a person's photographic image.
2-48 SECTION 3. Notwithstanding Section 531.0911, Government
2-49 Code, as added by this Act, the Health and Human Services
2-50 Commission:
2-51 (1) is not required to issue electronic benefits
2-52 transfer cards that comply with that section until September 1,
2-53 2020, but is required to begin issuing cards that comply with that
2-54 section beginning on that date; and
2-55 (2) shall ensure that on or before August 31, 2022,
2-56 each electronic benefits transfer card used to deliver benefits to
2-57 recipients under the financial assistance program under Chapter 31,
2-58 Human Resources Code, or the supplemental nutrition assistance
2-59 program under Chapter 33, Human Resources Code, conforms to Section
2-60 531.0911, Government Code, as added by this Act.
2-61 SECTION 4. Notwithstanding Section 531.0912, Government
2-62 Code, as added by this Act, the Health and Human Services Commission
2-63 shall submit the first report required by that section not later
2-64 than December 1, 2020.
2-65 SECTION 5. If before implementing any provision of this Act
2-66 a state agency determines that a waiver or authorization from a
2-67 federal agency is necessary for implementation of that provision,
2-68 the agency affected by the provision shall request the waiver or
2-69 authorization and may delay implementing that provision until the

3-1 waiver or authorization is granted.

3-2 SECTION 6. This Act takes effect September 1, 2019.

3-3 * * * * *