

By: Creighton

S.B. No. 866

A BILL TO BE ENTITLED

AN ACT

relating to electronic benefits transfer cards used by or for 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 Sections 531.0911 and 531.0912 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 or other person authorized on the recipient's account 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 or other

1 authorized person, as appropriate;

2 (2) the words "Fraud Hotline" followed by the
3 telephone number of the commission's toll-free hotline for
4 reporting suspected fraud required under Section 531.108(b)(2);
5 and

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

10 (c) The Department of Public Safety shall provide to the
11 commission the photographs of a recipient and each person
12 authorized on the recipient's account that the department has in
13 its records. The commission shall use the photographs for purposes
14 of complying with Subsection (b)(1). The commission and the
15 department may enter into a memorandum of understanding for
16 purposes of this subsection.

17 (d) A recipient or other person authorized on the
18 recipient's account is exempt from the photograph requirement
19 imposed by Subsection (b) if:

20 (1) the recipient or other authorized person is:

21 (A) 65 years of age or older;

22 (B) younger than 19 years of age;

23 (C) blind;

24 (D) disabled;

25 (E) a victim of domestic violence;

26 (F) homeless; or

27 (G) issued the electronic benefits transfer card

1 at a field, regional, or other local commission office; or

2 (2) the Department of Public Safety does not provide a
3 photograph of the recipient or other authorized person to the
4 commission under Subsection (c).

5 (e) The executive commissioner may adopt rules necessary to
6 implement this section.

7 Sec. 531.0912. MONITORING AND REPORTING OF ELECTRONIC
8 BENEFITS TRANSFER CARD REPLACEMENT REQUESTS. (a) In this section
9 "financial assistance program," "recipient," and "supplemental
10 nutrition assistance program" have the meanings assigned by Section
11 531.0911.

12 (b) The commission shall monitor the frequency with which
13 recipients request replacements of their electronic benefits
14 transfer cards used for purposes of receiving benefits under the
15 financial assistance program or the supplemental nutrition
16 assistance program. Not later than December 1 of each year, the
17 commission shall submit a report regarding that frequency to the
18 standing committees of the house of representatives and the senate
19 with jurisdiction over the financial assistance and supplemental
20 nutrition assistance programs.

21 SECTION 2. Section 730.007(c), Transportation Code, is
22 amended to read as follows:

23 (c) This section does not:

24 (1) prohibit the disclosure of a person's photographic
25 image to:

26 (A) a law enforcement agency, the Texas
27 Department of Motor Vehicles, a county tax assessor-collector, or a

1 criminal justice agency for an official purpose;

2 (B) an agency of this state investigating an
3 alleged violation of a state or federal law relating to the
4 obtaining, selling, or purchasing of a benefit authorized by
5 Chapter 31 or 33, Human Resources Code; ~~[or]~~

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

9 (D) the Health and Human Services Commission for
10 use on an electronic benefits transfer card as required by Section
11 531.0911, Government Code; or

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

14 SECTION 3. Notwithstanding Section 531.0911, Government
15 Code, as added by this Act, the Health and Human Services
16 Commission:

17 (1) is not required to issue electronic benefits
18 transfer cards that comply with that section until September 1,
19 2022, but is required to begin issuing cards that comply with that
20 section beginning on that date; and

21 (2) shall ensure that on or before August 31, 2024,
22 each electronic benefits transfer card used to deliver benefits to
23 recipients under the financial assistance program under Chapter 31,
24 Human Resources Code, or the supplemental nutrition assistance
25 program under Chapter 33, Human Resources Code, conforms to Section
26 531.0911, Government Code, as added by this Act.

27 SECTION 4. Notwithstanding Section 531.0912, Government

1 Code, as added by this Act, the Health and Human Services Commission
2 shall submit the first report required by that section not later
3 than December 1, 2022.

4 SECTION 5. If before implementing any provision of this Act
5 a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

10 SECTION 6. This Act takes effect September 1, 2021.