

House Bill 138

By: Representatives Welch of the 110<sup>th</sup>, Ramsey of the 72<sup>nd</sup>, Atwood of the 179<sup>th</sup>, Jones of the 47<sup>th</sup>, Allison of the 8<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,  
2 relating to temporary assistance for needy families, so as to provide for legislative findings;  
3 to prohibit the use of electronic benefit transfer cards in certain retail establishments; to  
4 prohibit the use of electronic benefit transfer cards by recipients for certain purposes; to  
5 provide for reports of suspected abuse; to provide for investigations; to provide for sanctions;  
6 to provide for rules and regulations; to provide for revisions to the state plan; to provide for  
7 a report; to provide for related matters; to provide for an effective date; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 The General Assembly finds and determines that:

- 12 (1) The U.S. Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012;  
13 (2) Such federal Act contains a requirement on states with respect to state Temporary  
14 Assistance for Needy Families programs to establish, within two years of the enactment of  
15 the federal Act, policies and procedures to prohibit the use of electronic benefit transfer  
16 cards by recipients of assistance of such programs in certain establishments and for certain  
17 items; and  
18 (3) Such federal Act also contains provisions for penalties for states which do not comply  
19 with these requirements.

20 style="text-align:center">**SECTION 2.**

21 Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
22 temporary assistance for needy families, is amended by revising Code Section 49-4-189,  
23 which is reserved, to read as follows:

24 "49-4-189.

25 (a)(1) The following establishments shall not accept cash assistance, provided through  
 26 an electronic benefit transfer card or any other means, for any transaction in such  
 27 establishment:

28 (A) A liquor store, which shall be defined as an establishment of a retail dealer in  
 29 distilled spirits licensed pursuant to Chapter 4 of Title 3; or

30 (B) A retail establishment which provides adult oriented entertainment in which  
 31 performers disrobe or perform in an unclothed state for entertainment.

32 (2) The establishments listed in paragraph (1) of this subsection shall also prevent access  
 33 to cash assistance through any electronic fund transaction in an automated teller machine  
 34 or point-of-sale device located in such establishment.

35 (b) A recipient shall not use and a retail establishment shall not accept cash assistance,  
 36 through an electronic benefit transfer card or any other means, for the purchase of the  
 37 following products or services:

38 (1) Lottery tickets;

39 (2) Alcoholic beverages;

40 (3) Tobacco products;

41 (4) Pornographic materials;

42 (5) Firearms and ammunition;

43 (6) Vacation services;

44 (7) Tattoos or body piercings;

45 (8) Jewelry;

46 (9) Salon services;

47 (10) Gambling;

48 (11) Gift cards; or

49 (12) Payment to any government entity for fines, fees, bail, or bail bonds.

50 (c)(1) No later than December 1, 2013, the department shall establish a toll-free  
 51 telephone number and a website to receive reports of suspected violations of this Code  
 52 section. The toll-free telephone number may include an intake recording and shall allow  
 53 the caller to provide the date and time of the incident, the name and location of the retail  
 54 establishment, and the details of the incident. The website shall allow the caller to  
 55 provide the date and time of the incident, the name and location of the retail  
 56 establishment, and the details of the incident and shall also allow the individual to upload  
 57 one or more photos relating to the incident. Such caller or individual, at his or her  
 58 discretion, may also provide his or her name and contact information.

59 (2)(A) On and after January 1, 2014, every retail establishment that accepts cash  
 60 assistance transactions shall post in a prominent location at each cash register and

61 point-of-sale terminal a sign prohibiting the use of cash assistance for the products and  
62 services listed in subsection (b) of this Code section. The sign shall include the toll-free  
63 telephone number and website address established pursuant to paragraph (1) of this  
64 subsection which may be utilized to report suspected incidents of abuse of such  
65 prohibitions.

66 (B) Every retail establishment that accepts cash assistance transactions shall retain  
67 receipts of cash assistance transactions for at least 180 days from the date of the  
68 transaction.

69 (3) The department shall monitor the incidents reported no less than semiweekly and  
70 shall refer such incidents to investigators within the department. Investigators shall be  
71 authorized to request and obtain copies of any surveillance video and receipts that the  
72 retail establishment has which may be relevant to the investigation of the incident.

73 (d)(1) A retail establishment that violates any provision of this Code section may be  
74 subject to penalties established by the department, including, but not limited to, fines or  
75 suspension or prohibition from accepting cash assistance transactions.

76 (2) A recipient who uses cash assistance in violation of subsection (b) of this Code  
77 section may be subject to sanctions pursuant to Code Section 49-4-185.

78 (3) Any fine, sanction, or penalty imposed for a violation of this Code section may be  
79 appealed by the retail establishment or recipient sanctioned in accordance with the  
80 administrative hearing process established pursuant to paragraph (8) of subsection (b) of  
81 Code Section 49-4-183.

82 (4) It is the intent of the General Assembly that any fines imposed for violations of this  
83 Code section are applied to offset the costs of enforcing the provisions of this Code  
84 section.

85 (e) The department shall establish and enforce policies and procedures to prevent the  
86 improper use of cash assistance in violation of this Code section.

87 (f) The department shall take appropriate steps, if necessary, to revise the state plan in  
88 order to effectuate the requirements of this Code section.

89 (g) The department shall examine the issue of regulating the use of electronic benefit  
90 transfer cards for cash assistance, including, but not limited to, cash withdrawals from  
91 electronic benefit transfer cards, and identify other methods that could be implemented to  
92 ensure that the provisions of this Code section are enforced. No later than December 31,  
93 2013, the department shall provide a report to the Speaker of the House of Representatives  
94 and the President of the Senate on such findings and recommendations.

95 Reserved."

96 **SECTION 3.**

97 This Act shall become effective upon its approval by the Governor or upon its becoming law  
98 without such approval.

99 **SECTION 4.**

100 All laws and parts of laws in conflict with this Act are repealed.