

The House Committee on Health and Human Services offers the following substitute to SB 163:

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 prohibit the use of electronic
3 benefit transfer cards in certain retail establishments; to prohibit the use of electronic benefit
4 transfer cards by recipients for certain purposes; to provide for reports of suspected abuse;
5 to provide for investigations; to provide for sanctions; to provide for rules and regulations;
6 to require the issuance of electronic benefit transfer cards; to provide for revisions to the state
7 plan; to provide for a report; to provide for related matters; to provide for an effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

14 "49-4-189.

15 (a)(1) The following establishments shall not accept cash assistance, provided through
16 an electronic benefit transfer card, for any transaction in such establishment:

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

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

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

24 (b) On and after April 1, 2014, a recipient shall not use and a retail establishment shall not
25 accept cash assistance, through an electronic benefit transfer card or any other means, for
26 the purchase of the following products or services:

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- 27 (1) Lottery tickets;
 28 (2) Alcoholic beverages;
 29 (3) Tobacco products;
 30 (4) Pornographic materials;
 31 (5) Firearms and ammunition;
 32 (6) Vacation services;
 33 (7) Tattoos or body piercings;
 34 (8) Gambling;
 35 (9) Gift cards; or
 36 (10) Payment to any government entity for fines, fees, bail, or bail bonds.
- 37 (c)(1) No later than April 1, 2014, the department shall establish a new or continue to
 38 operate an existing toll-free telephone number and a website to receive reports of
 39 suspected violations of this Code section. The toll-free telephone number may include
 40 an intake recording and shall allow the caller to provide the date and time of the incident,
 41 the name and location of the retail establishment, and the details of the incident. The
 42 website shall allow the individual to provide the date and time of the incident, the name
 43 and location of the retail establishment, and the details of the incident and shall also allow
 44 the individual to upload one or more photos relating to the incident. Such caller or
 45 individual, at his or her discretion, may also provide his or her name and contact
 46 information.
- 47 (2)(A) On and after April 1, 2014, any retail establishment that accepts electronic
 48 benefit transfer cards for cash assistance shall:
- 49 (i) Register with the department and provide such information as the board deems
 50 necessary to enforce this Code section;
 51 (ii) Retain receipts, which may include electronic journal receipts, of cash assistance
 52 transactions for at least 90 days from the date of the transaction; and
 53 (iii) Post in a prominent location at each entrance a sign as provided by the
 54 department, but in no event smaller than 6 inches by 8 inches in size, prohibiting the
 55 use of cash assistance for the products and services listed in subsection (b) of this
 56 Code section. The sign shall include the toll-free telephone number and website
 57 address established pursuant to paragraph (1) of this subsection which may be utilized
 58 to report suspected incidents of abuse of such prohibitions. This division shall stand
 59 repealed on December 31, 2017.
- 60 (B) This paragraph shall not apply to a retail establishment that does not accept
 61 electronic benefit transfer cards for cash assistance.

62 (3) The department shall monitor the incidents reported pursuant to paragraph (1) of this
63 subsection no less than semiweekly and shall refer such incidents to investigators within
64 the department. Investigators shall be authorized to investigate establishments and
65 recipients for violations of this Code section.

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

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

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

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

78 (e) On and after the effective date of this Code section, neither the board nor the
79 department shall enter into any contracts or agreements with entities for the provision of
80 cash assistance to recipients under this article unless such contracts or agreements fully
81 comply with the requirements of this Code section. Neither the board nor the department
82 shall extend any contracts or agreements with entities for the provision of cash assistance
83 to recipients under this article unless such contracts or agreements fully comply with the
84 requirements of this Code section.

85 (f) On and after the effective date of this Code section, but in no event later than April 1,
86 2014, the board shall ensure that cash assistance is provided to recipients in accordance
87 with the following requirements:

88 (1) Only through the issuance of electronic benefit transfer cards;

89 (2) At the discretion of the board, include on the card only such other public assistance
90 benefits which are specific to the recipient;

91 (3) Include a photograph on the card of the recipient to whom the card is issued;

92 (4) Require such recipient's signature for use of the card;

93 (5) Print on the card the products and services which are prohibited purchases pursuant
94 to subsection (b) of this Code section and the toll-free telephone number and website
95 established or operated pursuant to subsection (c) of this Code section;

96 (6) Provide a mechanism to prevent use of cards at automated teller machines;

97 (7) Provide a mechanism to prevent the purchase of prohibited products and services
98 pursuant to subsection (b) of this Code section;

