

1 SB7
2 151107-2
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 05-FEB-13
6 PFD: 07/23/2012

1 SB7

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to public benefits; to prohibit a recipient
12 of public assistance from using benefits to purchase any
13 alcoholic beverage, tobacco product, or lottery ticket; to
14 prohibit a recipient of public assistance benefits from
15 withdrawing or using public assistance benefits in a retail
16 establishment that primarily sells alcoholic beverages, a
17 casino, a tattoo facility, a facility providing psychic
18 services, or an establishment that provides adult-oriented
19 entertainment in which performers disrobe or perform in an
20 unclothed state; to provide penalties for violations; and to
21 require the Department of Human Resources to consult with
22 providers of automatic teller machine services to create and
23 implement a program or method of blocking access to cash
24 benefits from Electronic Benefits Transfer cards issued by the
25 department at automatic teller machines located in certain
26 establishments.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) For the purposes of this section, the
2 term "public assistance benefits" means money or property
3 provided directly or indirectly to eligible persons through
4 programs of the federal government, the state, or any
5 political subdivision thereof, and administered by the Alabama
6 Department of Human Resources.

7 (b) (1) A recipient of public assistance benefits may
8 not use any portion of the benefits for the purchase of any
9 alcoholic beverage, tobacco product, or lottery ticket. Any
10 person who violates this subsection shall reimburse the
11 Department of Human Resources for the purchase and shall be
12 subject to the following sanctions:

13 a. Upon the first violation, the person shall be
14 disqualified from receiving public assistance benefits by
15 means of direct cash payment or an electronic benefits
16 transfer access card for one month.

17 b. Upon the second violation, the person shall be
18 disqualified from receiving public assistance benefits by
19 means of direct cash payment or electronic benefits transfer
20 access card for three months.

21 c. Upon a third or subsequent violation, the person
22 shall be permanently disqualified from receiving public
23 assistance benefits by means of direct cash payment or an
24 electronic benefits transfer access card.

25 (2) A person who is disqualified from receiving
26 public assistance benefits under this subsection shall have

1 the right to a hearing pursuant to the Alabama Administrative
2 Procedure Act.

3 (c) (1) A cash recipient of public assistance
4 benefits may not withdraw or use cash benefits by means of an
5 Electronic Benefits Transfer transaction for the purchase of
6 goods or services in a retail establishment the primary
7 purchase of which is the sale of alcoholic beverages, a
8 casino, a tattoo facility, a facility providing psychic
9 services, or an establishment that provides adult-oriented
10 entertainment in which performers disrobe or perform in an
11 unclothed state. Any person who violates this subsection shall
12 reimburse the Department of Human Resources for the amount
13 withdrawn and used and shall be subject to the following
14 sanctions:

15 a. Upon the first violation, the person shall be
16 disqualified from receiving public assistance benefits by
17 means of direct cash payment or an electronic benefits
18 transfer access card for a period of one month.

19 b. Upon the second violation, the person shall be
20 disqualified from receiving public assistance benefits by
21 means of direct cash payment or electronic benefits transfer
22 access card for a period of three months.

23 c. Upon a third or subsequent violation, the person
24 shall be permanently disqualified from receiving public
25 assistance benefits by means of direct cash payment or an
26 electronic benefits transfer access card.

1 (2) A person who is disqualified from receiving
2 public assistance benefits under this subsection shall have
3 the right to a hearing pursuant to the Alabama Administrative
4 Procedure Act.

5 (d)(1) The Department of Human Resources shall
6 consult with providers of automatic teller machine services to
7 create and implement a program or method of blocking access to
8 cash benefits from Electronic Benefits Transfer cards issued
9 by the department at automatic teller machines located in a
10 retail establishment the primary purchase of which is the sale
11 of alcoholic beverages, a casino, a tattoo facility, a
12 facility providing psychic services, or an establishment that
13 provides adult-oriented entertainment in which performers
14 disrobe or perform in an unclothed state.

15 (2) If the department requires a federal waiver to
16 implement this section, the department shall apply immediately
17 for the federal waiver.

18 (e) The Department of Human Resources shall adopt
19 rules to implement this act.

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Finance and Taxation General Fund ... 05-FEB-13

Read for the second time and placed on the calen-
dar..... 07-FEB-13

Read for the third time and passed as amended 23-APR-13

Yeas 25
Nays 7

Patrick Harris
Secretary