

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 522

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO PUBLIC ASSISTANCE BENEFIT CARDS; AMENDING CHAPTER 2, TITLE 56,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-227F, IDAHO CODE, TO PRO-
3 VIDE FOR PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS BY RECIPI-
4 ENTS, TO REQUIRE CERTAIN BUSINESSES TO COMPLY WITH PROHIBITED USES OF
5 PUBLIC ASSISTANCE BENEFIT CARDS, TO AUTHORIZE THE DEPARTMENT TO NOTIFY
6 A BUSINESS AND A LICENSING AUTHORITY IF A BUSINESS DOES NOT COMPLY WITH
7 THE PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS, TO PROVIDE THAT
8 ONLY A RECIPIENT OR AUTHORIZED USER CAN USE A PUBLIC ASSISTANCE BENEFIT
9 CARD, TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE TO RECIPIENTS, TO PRO-
10 VIDE FOR A PENALTY, TO DEFINE TERMS AND TO PROVIDE FOR ENFORCEMENT.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 56-227F, Idaho Code, and to read as follows:

16 56-227F. PUBLIC ASSISTANCE BENEFIT CARDS -- PROHIBITED USES. (1) Any
17 recipient of public assistance is prohibited from using public assistance
18 benefit cards or cash obtained with public assistance benefit cards:

19 (a) For the purpose of participating in any of the activities described
20 under chapters 38 and 49, title 18, Idaho Code, or authorized pursuant
21 to any state-tribal gaming compact under section 67-429A, Idaho Code;

22 (b) For the purpose of pari-mutuel betting authorized under chapter 25,
23 title 54, Idaho Code;

24 (c) To purchase lottery tickets or shares authorized under chapter 74,
25 title 67, Idaho Code;

26 (d) For the purpose of participating in or purchasing tattoo, branding
27 or body piercing services as defined in section 18-1523, Idaho Code;

28 (e) To purchase cigarettes as defined in section 39-7802(d), Idaho
29 Code, or tobacco products as defined in section 39-5702(13), Idaho
30 Code;

31 (f) To purchase any items regulated under title 23, Idaho Code;

32 (g) For the purpose of adult entertainment at venues with performances
33 that contain sexually oriented material where minors under the age of
34 eighteen (18) are prohibited; or

35 (h) For the purpose of purchasing or participating in any activities in
36 any location listed in subsection (2) of this section.

37 (2) The following businesses are required to comply with the provisions
38 of this section:

39 (a) Any establishment or business licensed under chapter 9, title 23,
40 Idaho Code;

41 (b) State liquor stores defined under section 23-902, Idaho Code;

1 (c) Any business or agency that issues or underwrites bail bonds as de-
2 fined in section 41-1038(3), Idaho Code;

3 (d) Gambling establishments licensed under Idaho law;

4 (e) Any business or establishment that offers tattoo, body piercing or
5 branding services as defined in section 18-1523, Idaho Code;

6 (f) Adult entertainment venues with performances that contain sexually
7 oriented material where minors under the age of eighteen (18) are pro-
8 hibited; and

9 (g) Any establishment where persons under the age of eighteen (18) are
10 not permitted.

11 (3) The department shall notify any business determined to be in viola-
12 tion of the provisions of subsection (2) of this section and the licensing
13 authority of any such business, if applicable, that such business has con-
14 tinued to allow the use of a public assistance benefit card in violation of
15 subsection (2) of this section. The department may require the Idaho quest
16 electronic benefits transfer (EBT) card business identification number
17 (BIN) be disabled at any business found to be in violation of subsection (2)
18 of this section. Any business in violation of subsection (2) of this section
19 may also be required to deny all public assistance cash transactions made
20 with an Idaho quest EBT card at any automated teller machine (ATM) located
21 in their establishment. All costs associated with disabling the BIN and ATM
22 will be the responsibility of such business owner.

23 (4) Only the recipient, an eligible member of the recipient's house-
24 hold or the recipient's authorized representative may use a public assis-
25 tance benefit card or the benefit, and such use shall only be for the re-
26 spective benefit program purposes. The recipient shall not sell, attempt to
27 sell, exchange or donate a public assistance benefit card or any benefits to
28 any other person or entity.

29 (5) A violation of subsection (1) or (4) of this section by a recipient
30 constitutes a misdemeanor.

31 (a) The department shall notify all recipients of public assistance
32 benefit cards that any violation of subsection (1) or (4) of this sec-
33 tion could result in legal proceedings and forfeiture of all cash public
34 assistance.

35 (b) Whenever the department has confirmed that a person has violated
36 subsection (1) or (4) of this section, the department shall notify the
37 person in writing that the violation could result in legal proceedings
38 and forfeiture of all cash public assistance.

39 (6) As used in this section, "public assistance" or "public assistance
40 benefit" means benefits provided to a recipient pursuant to the temporary
41 assistance for families in Idaho (TAFI) program, or pursuant to the aid for
42 the aged, blind or disabled (AABD) program, on an Idaho quest EBT card ac-
43 count.

44 (7) This section shall be enforced by the director of the department of
45 health and welfare in cooperation with local law enforcement and prosecuting
46 agencies.