

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0103.01 Jerry Barry x4341

SENATE BILL 14-037

SENATE SPONSORSHIP

Marble,

HOUSE SPONSORSHIP

Wright and Nordberg, Buck, Humphrey, Saine

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITIONS ON THE USE BY RECIPIENTS OF PUBLIC
102 BENEFITS OF AUTOMATED TELLER MACHINES AT CERTAIN
103 ESTABLISHMENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Federal law requires states to take measures to prevent recipients of public benefits from using electronic benefit transfers at liquor stores, gambling establishments, and adult-oriented entertainment establishments. Current Colorado law prohibits the use of automated

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

teller machines by recipients of public benefits at gambling establishments, firearms dealers, and liquor stores. The bill extends the Colorado prohibitions to establishments licensed to sell marijuana or marijuana-infused products and adult-oriented entertainment establishments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-104, **amend** (2)

3 (a) as follows:

4 **26-2-104. Public assistance programs - electronic benefits**
5 **transfer service - rules.** (2) (a) (I) The state department is authorized to
6 implement an electronic benefits transfer service for administering the
7 delivery of public assistance payments and food stamps to recipients. The
8 electronic benefits transfer service shall be designed to allow clients
9 access to cash benefits through automated teller machines or similar
10 electronic technology. The electronic benefits transfer service ~~shall allow~~
11 **ALLOWS** clients eligible for food stamps access to food items through the
12 use of point of sale terminals at retail outlets.

13 (II) Only those businesses that offer products or services related
14 to the purpose of the public assistance benefits ~~shall be~~ **ARE** allowed to
15 participate in the electronic benefits transfer service through the use of
16 point of sale terminals. Clients ~~shall not be~~ **ARE NOT** allowed to access
17 cash benefits through the electronic benefits transfer service from
18 automated teller machines in this state located in:

19 (A) Licensed gaming establishments, as defined in section
20 12-47.1-103 (15), C.R.S., in-state simulcast facilities, as defined in
21 section 12-60-102 (14), C.R.S., tracks for racing, as defined in section
22 12-60-102 (26), C.R.S., or commercial bingo facilities, as defined in
23 section 12-9-102 (2.3), C.R.S.;

1 (B) Stores or establishments in which the principal business is the
2 sale of firearms; or

3 (C) Retail establishments licensed to sell malt, vinous, or
4 spirituous liquors pursuant to part 3 of article 47 of title 12, C.R.S.;

5 (D) ESTABLISHMENTS LICENSED TO SELL MARIJUANA OR
6 MARIJUANA-INFUSED PRODUCTS PURSUANT TO ARTICLE 43.3 OR 43.4 OF
7 TITLE 12, C.R.S.; OR

8 (E) ESTABLISHMENTS THAT PROVIDE ADULT-ORIENTED
9 ENTERTAINMENT IN WHICH PERFORMERS DISROBE OR PERFORM IN AN
10 UNCLOTHED STATE FOR ENTERTAINMENT.

11 (III) In the development and implementation of the service, the
12 state department shall consult with representatives of those persons,
13 agencies, and organizations that will use or be affected by the electronic
14 benefits transfer service, including program clients, to assure that the
15 service is as workable, effective, and efficient as possible. The electronic
16 benefits transfer service ~~shall be~~ IS applicable to the public assistance
17 programs described in subsection (1) of this section and to food stamps
18 as described in part 3 of this article. The state department shall contract
19 in accordance with state purchasing requirements with any entity for the
20 development and administration of the electronic benefits transfer service.
21 In order to ensure the integrity of the electronic benefits transfer service,
22 the system developed pursuant to this section ~~shall~~ MUST use, but is not
23 limited to, security measures such as individual personal identification
24 numbers, photo identification, or fingerprint identification. The security
25 method or methods selected ~~shall~~ MUST be those that are most efficient
26 and effective. The state board shall establish by rule a policy and
27 procedure to limit losses to a client after the client reports that the

1 electronic benefits transfer card or benefits have been lost or stolen. The
2 state department may authorize county departments of social services to
3 charge a fee to a client to cover the costs related to issuing a replacement
4 electronic benefits transfer card.

5 **SECTION 2. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.