

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:

S. B. 163 (SUB)

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;

