

HOUSE BILL NO. 475

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

1280H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 208.024 and 208.182, RSMo, and to enact in lieu thereof two new sections relating to nonmedical public assistance, with a contingent effective date for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 208.024 and 208.182, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 208.024 and 208.246, to read as follows:

208.024. 1. Eligible recipients of temporary assistance for needy families (TANF) or ~~[supplementary]~~ **supplemental** nutrition assistance program (SNAP) benefits shall not use such funds in any electronic benefit transfer transaction in any ~~[liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an uncllothed state for entertainment]~~ **prohibited establishment**, or in any place for ~~[the purchase of alcoholic beverages, lottery tickets, or tobacco products or for any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household]~~ **a prohibited purchase**. An eligible recipient of TANF or SNAP assistance who makes a purchase in violation of this section shall reimburse the department of social services for such purchase. **For any offense under this subsection, a TANF recipient shall lose his or her TANF benefits as follows:**

(1) For the first occurrence of noncompliance, the individual shall be disqualified for three months;

(2) For the second occurrence of noncompliance, the individual shall be disqualified for six months; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(3) For any third or subsequent occurrence of noncompliance, the individual shall**
18 **be disqualified permanently.**

19

20 **An individual may resume participation in the program at the end of a disqualification**
21 **period if the individual applies again.**

22 2. An individual, store owner or proprietor of an establishment shall not knowingly
23 accept TANF [~~cash assistance~~] **benefits** or [~~supplementary nutrition assistance program (SNAP)]~~
24 **SNAP** funds held on electronic benefit transfer cards for [~~the purchase of alcoholic beverages,~~
25 ~~lottery tickets, or tobacco products~~] **a prohibited purchase** or [~~for use in any electronic benefit~~
26 ~~transfer transaction~~] in any [~~liquor store, casino, gambling casino, or gaming establishment, any~~
27 ~~retail establishment which provides adult-oriented entertainment in which performers disrobe~~
28 ~~or perform in an unclothed state for entertainment, or in any place for the purchase of alcoholic~~
29 ~~beverages, lottery tickets, or tobacco products or for any item the department determines by rule~~
30 ~~is primarily marketed for or used by adults eighteen or older and is not in the best interests of the~~
31 ~~child or household~~] **prohibited establishment**. No store owner or proprietor of any [~~liquor~~
32 ~~store, casino, gambling casino, gaming establishment, or any retail establishment which provides~~
33 ~~adult-oriented entertainment in which performers disrobe or perform in an unclothed state for~~
34 ~~entertainment~~] **prohibited establishment** shall adopt any policy, either explicitly or implicitly,
35 which encourages, permits, or acquiesces in its employees knowingly accepting electronic
36 benefit transfer cards in violation of this section. This section shall not be construed to require
37 any store owner or proprietor of an establishment which is not a [~~liquor store, casino, gambling~~
38 ~~casino, gaming establishment, or retail establishment which provides adult-oriented~~
39 ~~entertainment in which performers disrobe or perform in an unclothed state for entertainment~~]
40 **prohibited establishment** to check the source of payment from every individual who [~~purchases~~
41 ~~alcoholic beverages, lottery tickets, tobacco products, or any item the department determines by~~
42 ~~rule is primarily marketed for or used by adults eighteen or older and is not in the best interests~~
43 ~~of the child or household~~] **makes a prohibited purchase**. An individual, store owner or
44 proprietor of an establishment who knowingly accepts electronic benefit transfer cards in
45 violation of this section shall be punished by a fine of not more than five hundred dollars for the
46 first offense, a fine of not less than five hundred dollars nor more than one thousand dollars for
47 the second offense, and a fine of not less than one thousand dollars for the third or subsequent
48 offense.

49 3. Any recipient of TANF or SNAP benefits who does not make at least one electronic
50 benefit transfer transaction within the state for a period of ninety days shall have his or her
51 benefit payments to the electronic benefit account temporarily suspended, pending an
52 investigation by the department of social services to determine if the recipient is no longer a

53 Missouri resident. If the department finds that the recipient is no longer a Missouri resident, it
54 shall close the recipient's case. Closure of a recipient's case shall trigger the automated benefit
55 eligibility process under section 208.238. A recipient may appeal the closure of his or her case
56 to the director under section 208.080.

57 4. A recipient who does not make an electronic benefit transfer transaction within the
58 state for a period of sixty days shall be provided notice of the possibility of the suspension of
59 funds if no electronic benefit transfer transaction occurs in the state within another thirty days
60 after the date of the notice.

61 5. **Subject to federal approval, no recipient of TANF or SNAP benefits shall use his**
62 **or her electronic benefit transfer card to obtain cash from any automated teller machine**
63 **or point-of-sale terminal or otherwise access the benefits as cash. The department shall be**
64 **authorized to seek any necessary federal approvals, including any waivers or state plan**
65 **amendments, for the implementation of this subsection.**

66 6. For purposes of this section:

67 (1) The following terms shall mean:

68 (a) "Electronic benefit transfer transaction", the use of a credit or debit card service,
69 automated teller machine, point-of-sale terminal, or access to an online system for the
70 withdrawal of funds or the processing of a payment for merchandise or a service; ~~and~~

71 (b) "Liquor store", any retail establishment which sells exclusively or primarily
72 intoxicating liquor. Such term does not include a grocery store which sells both intoxicating
73 liquor and groceries including staple foods as outlined under the Food and Nutrition Act of 2008;

74 (c) "Pornography", any of the following:

75 a. **Any obscene material or performance depicting sexual conduct, sexual contact**
76 **as defined in section 566.010, or a sexual performance; or**

77 b. **Any visual depiction, including any photograph, film, video, picture, or**
78 **computer or computer-generated image or picture, whether made or produced by**
79 **electronic, mechanical, or other means, of sexually explicit conduct;**

80 (d) "Prohibited establishment", any liquor store, casino, gambling casino, gaming
81 establishment, or any retail establishment that provides adult-oriented entertainment in
82 which performers disrobe or perform in an unclothed state for entertainment;

83 (e) "Prohibited purchase", alcoholic beverages, lottery tickets, pornography, or
84 tobacco products, or any item the department determines by rule is primarily marketed
85 for or used by adults eighteen years old or older and is not in the best interests of a child
86 or household;

87 (f) "Tobacco products", cigarettes, cigarette papers, cigars, smokeless tobacco,
88 smoking tobacco, vapor products, or any other form of tobacco products, or products made
89 with tobacco substitute containing nicotine;

90 (2) Casinos, gambling casinos, or gaming establishments shall not include:

91 (a) A grocery store which sells groceries including staple foods, and which also offers,
92 or is located within the same building or complex as a casino, gambling, or gaming activities;
93 or

94 (b) Any other establishment that offers casino, gambling, or gaming activities incidental
95 to the principal purpose of the business.

**208.246. 1. In order to be eligible to participate in the supplemental nutrition
2 assistance program, an individual shall comply with the work requirements described in
3 7 U.S.C. Section 2015(d) and 7 CFR 273.7, unless such individual is otherwise exempt from
4 such requirements under 7 U.S.C. Section 2015(d)(2) and 7 CFR 273.7(b).**

**5 2. A nonexempt individual who refuses or fails without good cause, as such term
6 is described in 7 CFR 273.7, to comply with the program's work requirements shall be
7 ineligible to participate in the program for the duration of the disqualification period and
8 shall be considered an ineligible household member. The disqualification period shall be
9 as follows:**

10 (1) For the first occurrence of noncompliance, the individual shall be disqualified
11 for three months;

12 (2) For the second occurrence of noncompliance, the individual shall be disqualified
13 for six months; and

14 (3) For the third or subsequent occurrence of noncompliance, the individual shall
15 be disqualified permanently.

16 3. An individual may resume participation in the program at the end of a
17 disqualification period if the individual applies again and is in compliance with the
18 program's work requirements. A disqualified individual may be permitted to resume
19 participation during the disqualification period by becoming exempt from the program's
20 work requirements.

21 4. An individual disqualified under the provisions of this section shall be entitled
22 to a fair hearing under 7 CFR 273.7(f) and section 208.080.

23 5. Implementation of the provisions of this section shall be accomplished using
24 existing resources.

25 6. The department of social services may promulgate rules and regulations to
26 implement the provisions of this section. Any rule or portion of a rule, as that term is
27 defined in section 536.010, that is created under the authority delegated in this section shall

28 become effective only if it complies with and is subject to all of the provisions of chapter
29 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
30 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
31 to delay the effective date, or to disapprove and annul a rule are subsequently held
32 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
33 after August 28, 2019, shall be invalid and void.

2 ~~[208.182. 1. The family support division shall establish pilot projects in~~
3 ~~St. Louis City and in any county with a population of six hundred thousand or~~
4 ~~more, which shall provide for a system of electronic transfer of benefits to public~~
5 ~~assistance recipients. Such system shall allow recipients to obtain cash from~~
6 ~~automated teller machines or point of sale terminals. If less than the total amount~~
7 ~~of benefits is withdrawn, the recipient shall be given a receipt showing the~~
8 ~~current status of his or her account.]~~

9 ~~2. The disclosure of any information provided to a financial institution,~~
10 ~~business or vendor by the family support division under this section is prohibited.~~
11 ~~Such financial institution, business or vendor may not use or sell such~~
12 ~~information and may not divulge the information without a court order.~~
13 ~~Violation of this subsection is a class A misdemeanor.]~~

14 ~~3. Subject to appropriations and subject to receipt of waivers from the~~
15 ~~federal government to prevent the loss of any federal funds, the department of~~
16 ~~social services shall require the use of photographic identification on electronic~~
17 ~~benefit transfer cards issued to recipients in this system. Such photographic~~
18 ~~identification electronic benefit transfer card shall be in a form approved by the~~
19 ~~department of social services.]~~

20 ~~4. The family support division shall promulgate rules and regulations~~
21 ~~necessary to implement the provisions of this section pursuant to section 660.017~~
22 ~~and chapter 536.]~~

23 ~~5. The delivery of electronic benefits and the electronic eligibility~~
24 ~~verification, including, but not limited to, aid to families with dependent children~~
25 ~~(AFDC), women, infants and children (WIC), early periodic screening diagnosis~~
26 ~~and treatment (EPSDT), food stamps, supplemental security income (SSI),~~
27 ~~including Medicaid, child support, and other programs, shall reside in one card~~
28 ~~that may be enabled by function from time to time in a convenient manner.]~~

Section B. The repeal of section 208.182 shall become effective upon federal approval
2 of the provisions of subsection 5 of section 208.024. The department of social services shall
3 notify the revisor of statutes upon notification of such federal approval.

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