

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1443

## 99TH GENERAL ASSEMBLY

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Reported from the Committee on Seniors, Families and Children, April 12, 2018, with recommendation that the Senate Committee Substitute do pass.

4561S.03C

ADRIANE D. CROUSE, Secretary.

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### 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.

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Section A. Sections 208.024 and 208.182, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 208.024 and 208.246, to read as follows: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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 shall be disqualified for three months;

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

19 (3) For any third or subsequent occurrence of noncompliance,  
20 the individual shall be disqualified for a period of five years.

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

23 2. An individual, store owner or proprietor of an establishment shall not  
24 knowingly accept TANF [cash assistance] **benefits** or [supplementary nutrition  
25 assistance program (SNAP)] **SNAP** funds held on electronic benefit transfer cards  
26 for [the purchase of alcoholic beverages, lottery tickets, or tobacco products] a  
27 **prohibited purchase** or [for use in any electronic benefit transfer transaction]  
28 in any [liquor store, casino, gambling casino, or gaming establishment, any retail  
29 establishment which provides adult-oriented entertainment in which performers  
30 disrobe or perform in an unclothed state for entertainment, or in any place for the  
31 purchase of alcoholic beverages, lottery tickets, or tobacco products or for any  
32 item the department determines by rule is primarily marketed for or used by  
33 adults eighteen or older and is not in the best interests of the child or household]  
34 **prohibited establishment**. No store owner or proprietor of any [liquor store,  
35 casino, gambling casino, gaming establishment, or any retail establishment which  
36 provides adult-oriented entertainment in which performers disrobe or perform in  
37 an unclothed state for entertainment] **prohibited establishment** shall adopt  
38 any policy, either explicitly or implicitly, which encourages, permits, or acquiesces  
39 in its employees knowingly accepting electronic benefit transfer cards in violation  
40 of this section. This section shall not be construed to require any store owner or  
41 proprietor of an establishment which is not a [liquor store, casino, gambling  
42 casino, gaming establishment, or retail establishment which provides  
43 adult-oriented entertainment in which performers disrobe or perform in an  
44 unclothed state for entertainment] **prohibited establishment** to check the  
45 source of payment from every individual who [purchases alcoholic beverages,  
46 lottery tickets, tobacco products, or any item the department determines by rule  
47 is primarily marketed for or used by adults eighteen or older and is not in the  
48 best interests of the child or household] **makes a prohibited purchase**. An  
49 individual, store owner or proprietor of an establishment who knowingly accepts  
50 electronic benefit transfer cards in violation of this section shall be punished by  
51 a fine of not more than five hundred dollars for the first offense, a fine of not less

52 than five hundred dollars nor more than one thousand dollars for the second  
53 offense, and a fine of not less than one thousand dollars for the third or  
54 subsequent offense.

55 3. Any recipient of TANF or SNAP benefits who does not make at least  
56 one electronic benefit transfer transaction within the state for a period of ninety  
57 days shall have his or her benefit payments to the electronic benefit account  
58 temporarily suspended, pending an investigation by the department of social  
59 services to determine if the recipient is no longer a Missouri resident. If the  
60 department finds that the recipient is no longer a Missouri resident, it shall close  
61 the recipient's case. Closure of a recipient's case shall trigger the automated  
62 benefit eligibility process under section 208.238. A recipient may appeal the  
63 closure of his or her case to the director under section 208.080.

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

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

76 6. For purposes of this section:

77 (1) The following terms shall mean:

78 (a) "Electronic benefit transfer transaction", the use of a credit or debit  
79 card service, automated teller machine, point-of-sale terminal, or access to an  
80 online system for the withdrawal of funds or the processing of a payment for  
81 merchandise or a service; [and]

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

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

87 a. Any obscene material or performance depicting sexual

88 **conduct, sexual contact as defined in section 566.010, or a sexual**  
89 **performance; or**

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

94 **(d) "Prohibited establishment", any liquor store, casino, gambling**  
95 **casino, gaming establishment, or any retail establishment that provides**  
96 **adult-oriented entertainment in which performers disrobe or perform**  
97 **in an unclothed state for entertainment;**

98 **(e) "Prohibited purchase", alcoholic beverages, lottery tickets,**  
99 **pornography, or tobacco products, or any item the department**  
100 **determines by rule is primarily marketed for or used by adults eighteen**  
101 **or older and is not in the best interests of a child or household;**

102 **(f) "Tobacco products", cigarettes, cigarette papers, cigars,**  
103 **smokeless tobacco, smoking tobacco, vapor products, or any other form**  
104 **of tobacco products or products made with tobacco substitute**  
105 **containing nicotine;**

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

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

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

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

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

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

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

16           **(3) For the third or subsequent occurrence of noncompliance, the**  
17 **individual shall be disqualified for two years.**

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

24           **4. An individual disqualified under the provisions of this section**  
25 **shall be entitled to a fair hearing under 7 CFR 273.7(f) and section**  
26 **208.080.**

27           **5. Implementation of the provisions of this section shall be**  
28 **accomplished using existing resources.**

29           **6. The department of social services may promulgate rules and**  
30 **regulations to implement the provisions of this section. Any rule or**  
31 **portion of a rule, as that term is defined in section 536.010, that is**  
32 **created under the authority delegated in this section shall become**  
33 **effective only if it complies with and is subject to all of the provisions**  
34 **of chapter 536 and, if applicable, section 536.028. This section and**  
35 **chapter 536 are nonseverable, and if any of the powers vested with the**  
36 **general assembly pursuant to chapter 536 to review, to delay the**  
37 **effective date, or to disapprove and annul a rule are subsequently held**  
38 **unconstitutional, then the grant of rulemaking authority and any rule**  
39 **proposed or adopted after August 28, 2018, shall be invalid and void.**

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

9           2. The disclosure of any information provided to a financial  
10          institution, business or vendor by the family support division under  
11          this section is prohibited. Such financial institution, business or

12 vendor may not use or sell such information and may not divulge  
13 the information without a court order. Violation of this subsection  
14 is a class A misdemeanor.

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

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

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

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

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