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SENATE BILL 5279

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Carrell, Baumgartner, Smith, Becker, Schoesler, Sheldon, Rivers, Delvin, Tom, Braun, Padden, Bailey, and Hill

Read first time 01/24/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to use of public assistance benefits; and amending  
2 RCW 74.08.580.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 74.08.580 and 2012 c 253 s 2 are each amended to read  
5 as follows:

6 (1) Any person receiving public assistance is prohibited from using  
7 electronic benefit cards or cash obtained with electronic benefit  
8 cards:

9 (a) For the purpose of participating in any of the activities  
10 authorized under chapter 9.46 RCW;

11 (b) For the purpose of parimutuel wagering authorized under chapter  
12 67.16 RCW;

13 (c) To purchase lottery tickets or shares authorized under chapter  
14 67.70 RCW;

15 (d) For the purpose of participating in or purchasing any  
16 activities located in a tattoo, body piercing, or body art shop  
17 licensed under chapter 18.300 RCW;

18 (e) To purchase cigarettes as defined in RCW 82.24.010 or tobacco  
19 products as defined in RCW 82.26.010;

1 (f) To purchase any items regulated under Title 66 RCW; ~~((e))~~  
2 (g) To purchase medical cannabis under chapter 69.51A RCW; or  
3 (h) For the purpose of purchasing or participating in any  
4 activities in any location listed in subsection (2) or (3) of this  
5 section.

6 (2) On or before January 1, 2012, the businesses listed in this  
7 subsection must disable the ability of ATM and point-of-sale machines  
8 located on their business premises to accept the electronic benefit  
9 card. The following businesses are required to comply with this  
10 mandate:

11 (a) Taverns licensed under RCW 66.24.330;  
12 (b) Beer/wine specialty stores licensed under RCW 66.24.371;  
13 (c) Nightclubs licensed under RCW 66.24.600;  
14 ~~((Contract liquor stores defined under RCW 66.04.010;~~  
15 ~~(e))~~ Bail bond agencies regulated under chapter 18.185 RCW;  
16 ~~((f))~~ (e) Gambling establishments licensed under chapter 9.46  
17 RCW;

18 ~~((g))~~ (f) Tattoo, body piercing, or body art shops regulated  
19 under chapter 18.300 RCW;

20 ~~((h))~~ (g) Adult entertainment venues with performances that  
21 contain erotic material where minors under the age of eighteen are  
22 prohibited under RCW 9.68A.150; and

23 ~~((i))~~ (h) Any establishments where persons under the age of  
24 eighteen are not permitted.

25 (3) On or before January 1, 2014, retail establishments licensed  
26 under Title 66 RCW to sell spirits and not subject to the mandate in  
27 subsection (2) of this section must disable the ability of point-of-  
28 sale machines located on their business premises to accept the  
29 electronic benefit card for the purchase of spirits. The department  
30 must notify the licensing authority of any business listed in this  
31 subsection or subsection (2) of this section that such business has  
32 continued to allow the use of the electronic benefit card in violation  
33 of this subsection or subsection (2) of this section.

34 (4) Only the recipient, an eligible member of the household, or the  
35 recipient's authorized representative may use an electronic benefit  
36 card or the benefit and such use shall only be for the respective  
37 benefit program purposes. Unless a recipient's family member is an  
38 eligible member of the household, the recipient's authorized

1 representative, an alternative cardholder, or has been assigned as a  
2 protective payee, no family member may use the benefit card. The  
3 recipient shall not sell, or attempt to sell, exchange, or donate an  
4 electronic benefit card or any benefits to any other person or entity.

5 (5) The first violation of subsection (1) of this section by a  
6 recipient constitutes a class 4 civil infraction under RCW 7.80.120.  
7 Second and subsequent violations of subsection (1) of this section  
8 constitute a class 3 civil infraction under RCW 7.80.120.

9 (a) The department shall notify, in writing, all recipients of  
10 electronic benefit cards that any violation of subsection (1) of this  
11 section could result in legal proceedings and forfeiture of all cash  
12 public assistance.

13 (b) Whenever the department receives notice that a person has  
14 violated subsection (1) of this section, the department shall notify  
15 the person in writing that the violation could result in legal  
16 proceedings and forfeiture of all cash public assistance.

17 (c) The department shall assign a protective payee to the person  
18 receiving public assistance who violates subsection (1) of this section  
19 two or more times.

20 (6) In assigning a personal identification number to an electronic  
21 benefit card, the department shall not routinely use any sequence of  
22 numbers that appear on the card except in circumstances resulting from  
23 in-state or national disasters. Personal identification numbers  
24 assigned to electronic benefit cards issued to support the distribution  
25 of benefits when there is a disaster may include a sequence of numbers  
26 that appears on the card.

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