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**HOUSE BILL 1908**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Klippert, Caldier, Hayes, Griffey, Young, and Buys

AN ACT Relating to photo identification on electronic benefit cards issued to recipients of public assistance; and amending RCW 74.08.580.

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

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

(1) An electronic benefit card issued to or on behalf of a person receiving public assistance must contain a photo identification of the person authorized to use the card. The department shall consider utilizing the photographic databases of the department of licensing as a cost-saving measure. The department shall work with the department of licensing to access and cross-share facial recognition data and resources for the purposes of identifying potential fraud. The department shall report any case where there is reason to believe that fraud has been committed to the attorney general, prosecutor's office, or appropriate law enforcement entity.

(2) Any person receiving public assistance is prohibited from using electronic benefit cards or cash obtained with electronic benefit cards:

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

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

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

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

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

(f) To purchase any items regulated under Title 66 RCW; or

(g) For the purpose of purchasing or participating in any activities in any location listed in subsection ((~~(2)~~)) (3) of this section.

((~~(2)~~)) (3) On or before January 1, 2012, the businesses listed in this subsection must disable the ability of ATM and point-of-sale machines located on their business premises to accept the electronic benefit card. The following businesses are required to comply with this mandate:

(a) Taverns licensed under RCW 66.24.330;

(b) Beer/wine specialty stores licensed under RCW 66.24.371;

(c) Nightclubs licensed under RCW 66.24.600;

(d) Contract liquor stores defined under RCW 66.04.010;

(e) Bail bond agencies regulated under chapter 18.185 RCW;

(f) Gambling establishments licensed under chapter 9.46 RCW;

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

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

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

((~~(3)~~)) (4) The department must notify the licensing authority of any business listed in subsection ((~~(2)~~)) (3) of this section that such business has continued to allow the use of the electronic benefit card in violation of subsection ((~~(2)~~)) (3) of this section.

((~~(4)~~)) (5) Only the recipient, an eligible member of the household, or the recipient's authorized representative may use an electronic benefit card or the benefit and such use shall only be for the respective benefit program purposes. Unless a recipient's family member is an eligible member of the household, the recipient's authorized representative, an alternative cardholder, or has been assigned as a protective payee, no family member may use the benefit card. The recipient shall not sell, or attempt to sell, exchange, or donate an electronic benefit card or any benefits to any other person or entity.

((~~(5)~~)) (6) The first violation of subsection ((~~(1)~~)) (2) of this section by a recipient constitutes a class 4 civil infraction under RCW 7.80.120. Second and subsequent violations of subsection ((~~(1)~~)) (2) of this section constitute a class 3 civil infraction under RCW 7.80.120.

(a) The department shall notify, in writing, all recipients of electronic benefit cards that any violation of subsection ((~~(1)~~)) (2) of this section could result in legal proceedings and forfeiture of all cash public assistance.

(b) Whenever the department receives notice that a person has violated subsection ((~~(1)~~)) (2) of this section, the department shall notify the person in writing that the violation could result in legal proceedings and forfeiture of all cash public assistance.

(c) The department shall assign a protective payee to the person receiving public assistance who violates subsection ((~~(1)~~)) (2) of this section two or more times.

((~~(6)~~)) (7) In assigning a personal identification number to an electronic benefit card, the department shall not routinely use any sequence of numbers that appear on the card except in circumstances resulting from in-state or national disasters. Personal identification numbers assigned to electronic benefit cards issued to support the distribution of benefits when there is a disaster may include a sequence of numbers that appears on the card.

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