

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1834 Session of 2017

INTRODUCED BY REESE, BENNINGHOFF, BERNSTINE, CAUSER, COX, DeLUCA, DUNBAR, ENGLISH, FARRY, FEE, GABLER, GILLEN, GILLESPIE, GREINER, GROVE, HAHN, A. HARRIS, HICKERNELL, PHILLIPS-HILL, KAUFER, KAUFFMAN, MACKENZIE, MARSHALL, METZGAR, MILLARD, B. MILLER, MILNE, MULLERY, O'NEILL, SACCONI, SANKEY, SAYLOR, TALLMAN, WARD, WARNER, WATSON AND ZIMMERMAN, OCTOBER 2, 2017

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 2, 2017

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in public assistance,  
4 further providing for prohibited use of public assistance  
5 funds and for violation and penalty.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Sections 484 and 488 of the act of June 13, 1967  
9 (P.L.31, No.21), known as the Human Services Code, are amended  
10 to read:

11 Section 484. Prohibited Use of Public Assistance Funds.--(a)

12 It shall be unlawful for any individual to [purchase]:

13 (1) Purchase liquor or alcohol with a gift certificate or a  
14 gift card which is in the form of an electronic benefits card  
15 issued to convey public assistance benefits administered by the  
16 [Department of Public Welfare] department or a debit card issued  
17 to convey support payment moneys.

1 (2) Purchase tobacco or tobacco paraphernalia with an  
2 electronic benefits transfer card issued to convey public  
3 assistance benefits administered by the department.

4 (3) Access funds on an electronic benefits transfer card  
5 issued to convey public assistance benefits administered by the  
6 department in any transaction in a casino, a gaming  
7 establishment or any retail establishment that provides adult-  
8 oriented entertainment in which performers disrobe or perform in  
9 an unclothed state for entertainment.

10 (b) It shall be unlawful for an entity licensed by the  
11 Pennsylvania Gaming Control Board or the Pennsylvania Liquor  
12 Control Board to allow for the withdrawal of funds or, through a  
13 point of sale transaction, to allow the use of public assistance  
14 benefits administered by the department.

15 (c) The Pennsylvania Gaming Control Board and the  
16 Pennsylvania Liquor Control Board, in consultation with the  
17 department, shall take appropriate measures to prevent the use  
18 of public assistance funds for the purposes proscribed in this  
19 section.

20 (d) Notwithstanding the prohibitions on the use of public  
21 assistance funds in this section, this section shall not be  
22 construed to apply to funds deposited onto the electronic  
23 benefits transfer card which relate to child support or the  
24 State blind pension.

25 Section 488. Violation; Penalty.--(a) Any bank, industrial  
26 bank, credit union, trust company, bank and trust company,  
27 private banker, building and loan association, or other  
28 financial institution doing business in Pennsylvania, or  
29 employer who or which willfully violates the provisions of  
30 section 487 of this act, or who or which willfully makes any

1 false or misleading statement in connection with any disclosure  
2 required by said section, shall be guilty of a misdemeanor, and  
3 upon conviction thereof, shall be sentenced to pay a fine not  
4 exceeding one thousand dollars (\$1000).

5 (b) Any retailer who willfully violates the provisions of  
6 section 484 commits a misdemeanor and shall, upon conviction, be  
7 sentenced to pay a fine not exceeding one thousand dollars  
8 (\$1000).

9 Section 2. This act shall take effect in 60 days.