
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2181 Session of
2020

INTRODUCED BY WARNER, SAYLOR, DUNBAR, MILLARD, ROTHMAN, BARRAR,
BERNSTINE, KEEFER, KAUFFMAN, GROVE, B. MILLER, IRVIN,
BENNINGHOFF, GILLEN, WALSH, COX, DOWLING, MASSER AND NELSON,
JANUARY 2, 2020

REFERRED TO COMMITTEE ON HEALTH, JANUARY 2, 2020

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 responsibilities and obligations of the
5 Department of Human Services, applicants and recipients and
6 establishing the Electronic Benefits Transfer Card Management
7 Program.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 405.3(a) of the act of June 13, 1967
11 (P.L.31, No.21), known as the Human Services Code, is amended by
12 adding a paragraph to read:

13 Section 405.3. Responsibilities and Obligations of
14 Department, Applicants and Recipients.--(a) Subject to Federal
15 approval, only where necessary, each adult applicant or
16 recipient of cash assistance or other person who is required to
17 sign an application for assistance shall be required as a
18 condition of eligibility to enter into a mutual agreement with
19 the department that will set forth the responsibilities and

1 obligations to be undertaken by the recipient to achieve self-
2 sufficiency, the time frames within which each obligation is to
3 be completed, the penalties for failure to comply and the
4 actions to be taken by the department to support the efforts of
5 the applicant or recipient. Where appropriate, these obligations
6 shall include, but not be limited to:

7 * * *

8 (10) Agreeing to comply with the requirements of the
9 Electronic Benefits Transfer Card Management Program under
10 section 414.1.

11 * * *

12 Section 2. The act is amended by adding a section to read:

13 Section 414.1. Electronic Benefits Transfer Card Management
14 Program.--(a) The department shall establish and maintain a
15 program to be known as the Electronic Benefits Transfer Card
16 Management Program.

17 (b) The purpose of the program is to ensure the efficient
18 delivery of public assistance through the proper management of
19 electronic benefits transfer cards.

20 (c) The department shall promulgate rules and regulations
21 enumerating acceptable purchases and transaction types which are
22 consistent with assisting the recipient in achieving self-
23 sufficiency.

24 (d) The department shall develop electronic controls,
25 oversight mechanisms and follow-up procedures to detect and
26 track the following:

27 (1) Suspicious electronic benefits transfer card
28 transactions that might indicate fraudulent use. In order to
29 implement this paragraph, the department shall have the
30 following duties:

1 (i) Collect information regarding the use of electronic
2 benefits transfer cards if more than fifty percent of the funds
3 used in the electronic benefits transfer card transactions occur
4 outside of this Commonwealth.

5 (ii) Differentiate between electronic benefits transfer card
6 transactions that occur in states that border this Commonwealth
7 and electronic benefits transfer card transactions that occur in
8 states that do not border this Commonwealth.

9 (iii) Analyze electronic benefits transfer card transactions
10 that occur outside of this Commonwealth to determine if the
11 recipient of benefits is a resident of this Commonwealth. In
12 making a determination under this subparagraph, the department
13 shall analyze the following:

14 (A) The location of employment of the recipient of benefits.

15 (B) The amount of time that the electronic benefits transfer
16 card is used outside of this Commonwealth compared to the amount
17 of times the electronic benefits transfer card is used in this
18 Commonwealth.

19 (C) Whether the electronic benefits transfer card
20 transactions occur in-person or through electronic means.

21 (2) The use of electronic benefits transfer cards that might
22 indicate an attempt to acquire goods and services that do not
23 comply with the rules and regulations promulgated under
24 subsection (c).

25 (e) Unless otherwise prohibited, data and information
26 gathered under this section shall be made available to the
27 Office of Inspector General, the Auditor General and the
28 Attorney General.

29 (f) As used in this section, the term "program" means the
30 Electronic Benefits Transfer Card Management Program.

1 Section 3. The addition of sections 405.3(a)(10) and 414.1
2 of the act shall expire five years after the effective date of
3 this section.

4 Section 4. This act shall take effect in 180 days.