
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1455 Session of
2023

INTRODUCED BY WARNER, HAMM, KAUFFMAN, JOZWIAK, DAVANZO, TOPPER,
LEADBETER, JAMES, E. NELSON, MOUL, KEEFER, GILLEN AND
SCIALABBA, JUNE 21, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, JUNE 21, 2023

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
5 department, applicants and recipients and establishing the
6 Electronic Benefits Transfer Card Management Program.

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

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

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

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

6 * * *

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

10 * * *

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

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

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

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

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

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

30 (i) Collect information regarding the use of electronic

1 benefits transfer cards if more than fifty percent of the funds
2 used in the electronic benefits transfer card transactions occur
3 outside of this Commonwealth.

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

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

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

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

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

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

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

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

30 Section 3. The addition of sections 405.3(a)(10) and 414.1

1 of the act shall expire five years after the effective date of
2 this section.

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