

## CHAPTER 41

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 96-1122**

BY REPRESENTATIVES Lawrence, Epps, Anderson, Agler, Kaufman, Kreutz, Lamm, May, Musgrave, Romero, Saliman, Sullivan, Sullivant, Tool, Kerns, Schwarz, and Swenson;  
also SENATORS Coffman, Hopper, Tebedo, and Wham.

**AN ACT****CONCERNING THE ELECTRONIC BENEFITS TRANSFER SERVICE.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 26-2-104 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-2-104. Public assistance programs - electronic benefits transfer service - rules.** (2) (a) The state department is authorized to implement an electronic benefits transfer service for administering the delivery of public assistance payments and food stamps to recipients. The electronic benefits transfer service shall be designed to allow clients access to cash benefits through automated teller machines or similar electronic technology. The electronic benefits transfer service shall allow clients eligible for food stamps access to food items through the use of point of sale terminals at retail outlets. ~~ONLY THOSE BUSINESSES THAT OFFER PRODUCTS OR SERVICES RELATED TO THE PURPOSE OF THE PUBLIC ASSISTANCE BENEFITS SHALL BE ALLOWED TO PARTICIPATE IN THE ELECTRONIC BENEFITS TRANSFER SERVICE THROUGH THE USE OF POINT OF SALE TERMINALS.~~ CLIENTS SHALL NOT BE ALLOWED TO ACCESS CASH BENEFITS THROUGH THE ELECTRONIC BENEFITS TRANSFER SERVICE FROM AUTOMATED TELLER MACHINES IN THIS STATE LOCATED IN LICENSED GAMING ESTABLISHMENTS AS DEFINED IN SECTION 12-47.1-103 (15), C.R.S., IN-STATE SIMULCAST FACILITIES AS DEFINED IN SECTION 12-60-102 (14), C.R.S., TRACKS FOR RACING AS DEFINED IN SECTION 12-60-102 (26), C.R.S., COMMERCIAL BINGO FACILITIES AS DEFINED IN SECTION 12-9-102 (2.3), C.R.S., STORES OR ESTABLISHMENTS IN WHICH THE PRINCIPAL BUSINESS IS THE SALE OF FIREARMS, OR RETAIL ESTABLISHMENTS LICENSED TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PURSUANT TO ARTICLE 47 OF TITLE 12, C.R.S. In the development and implementation of the service, the state department shall consult with representatives of those persons, agencies, and organizations that will use or be affected by the electronic benefits transfer service, including program clients, to assure that the service is as workable, effective, and efficient as possible. The electronic benefits transfer service shall be applicable to the public assistance programs described in subsection (1) of this section and to food stamps as described in part 3 of this article. The state department shall contract in accordance with state purchasing requirements with any entity for the development and administration of the electronic benefits transfer service. In order to ensure the integrity of the electronic benefits transfer service, the system developed pursuant to this section shall use, but is not limited to, security measures such as individual personal identification numbers, photo identification, or fingerprint identification. The security method or methods selected shall be those that are most efficient and effective. The state ~~department~~ BOARD shall establish by rule a policy and procedure to limit losses to a client after the client reports that the electronic benefits transfer card or benefits have been lost or stolen.

(b) THE STATE BOARD IS AUTHORIZED TO PROMULGATE RULES NECESSARY TO IMPLEMENT AND ADMINISTER THE ELECTRONIC BENEFITS TRANSFER SERVICE CREATED IN THIS SUBSECTION (2). SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(c) THE STATE DEPARTMENT IS AUTHORIZED TO REQUEST FEDERAL WAIVERS AS NECESSARY TO ADMINISTER THE ELECTRONIC BENEFITS TRANSFER SERVICE.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 2, 1996