

CHAPTER 148

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 15-065

BY SENATOR(S) Marble, Grantham, Neville T., Woods, Holbert, Cooke, Sonnenberg, Lambert, Scott, Scheffel, Cadman, Baumgardner, Crowder, Lundberg, Roberts;
also REPRESENTATIVE(S) Nordberg, Everett, Saine, Joshi, Humphrey, Neville P., Ransom, Brown, Conti, Klingenschmitt, Lawrence, Moreno, Pabon, Priola, Sias, Van Winkle, Wilson.

AN ACT**CONCERNING A PROHIBITION ON THE USE OF PUBLIC ELECTRONIC BENEFITS TRANSFER SERVICES AT CERTAIN ESTABLISHMENTS.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares:

(a) Federal law requires states that offer public benefits through the use of an electronic benefits transfer card take measures to prohibit the use of the cards at liquor stores, casinos or gambling establishments, and at retail establishments that provide adult-oriented entertainment;

(b) The state board of human services has adopted rules that prohibit a welfare recipient from using an electronic benefits transfer card at such establishments;

(c) Current state statutes only prohibit welfare recipients from using electronic benefits transfer cards at liquor stores, gambling establishments, and stores that sell firearms; and

(d) With the constitutional authorization for establishments to sell medical and retail marijuana and marijuana-infused products in Colorado, it is necessary for Colorado to also prohibit the use of electronic benefit cards in those establishments.

SECTION 2. In Colorado Revised Statutes, 26-2-104, **amend** (2) (a) as follows:

26-2-104. Public assistance programs - electronic benefits transfer service

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

- rules. (2) (a) (I) 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 ~~shall allow~~ **ALLOWS** clients eligible for food stamps access to food items through the use of point of sale terminals at retail outlets.

(II) Only those businesses that offer products or services related to the purpose of the public assistance benefits ~~shall be~~ **ARE** 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:

(A) 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.;

(B) Stores or establishments in which the principal business is the sale of firearms: ~~or~~

(C) Retail establishments licensed to sell malt, vinous, or spirituous liquors pursuant to part 3 of article 47 of title 12, C.R.S.;

(D) ESTABLISHMENTS LICENSED TO SELL MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., OR RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO ARTICLE 43.4 OF TITLE 12, C.R.S.; EXCEPT THAT THE PROHIBITION FOR THESE ESTABLISHMENTS DOES NOT TAKE EFFECT UNTIL SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (D); OR

(E) ESTABLISHMENTS THAT PROVIDE ADULT-ORIENTED ENTERTAINMENT IN WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT; EXCEPT THAT THE PROHIBITION FOR THESE ESTABLISHMENTS DOES NOT TAKE EFFECT UNTIL SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (E).

(II.5) AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II.5), THE STATE DEPARTMENT SHALL NOTIFY THE ESTABLISHMENTS DESCRIBED IN SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) OF THE PROHIBITION CONTAINED IN THOSE SUB-SUBPARAGRAPHS.

(III) 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~~ **is** 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~~ MUST 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~~ MUST be those that are most efficient and effective. The state 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. The state department may authorize county departments of social services to charge a fee to a client to cover the costs related to issuing a replacement electronic benefits transfer card.

(IV) WHEN THE OWNER OF AN AUTOMATED TELLER MACHINE LOCATED IN AN ESTABLISHMENT DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) MOVES THE MACHINE TO A LOCATION NOT SO DESCRIBED, THE OWNER SHALL REPROGRAM THE MACHINE TO ALLOW PUBLIC ASSISTANCE RECIPIENTS TO ACCESS THE MACHINE.

SECTION 3. 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: May 1, 2015