

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1038 Session of 2015

INTRODUCED BY REESE, BAKER, BARRAR, BLOOM, CAUSER, COHEN, D. COSTA, CUTLER, DAY, DEASY, DIAMOND, DUNBAR, FEE, GABLER, GIBBONS, GILLEN, GOODMAN, GREINER, GRELL, GROVE, HAHN, A. HARRIS, HICKERNELL, PHILLIPS-HILL, IRVIN, JOZWIAK, KAUFFMAN, M. K. KELLER, KNOWLES, LAWRENCE, MACKENZIE, MARSHALL, MASSER, McNEILL, METCALFE, METZGAR, MILLARD, MURT, PEIFER, PICKETT, SACCONI, SANKEY, SAYLOR, STAATS, STEPHENS, TOEPEL, WARD, WARNER AND ZIMMERMAN, APRIL 20, 2015

REFERRED TO COMMITTEE ON HEALTH, APRIL 20, 2015

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. Section 484 of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code, added December 17,
10 2009 (P.L.598, No.54), is amended to read:

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

12 It shall be unlawful for any individual to:

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

1 to convey support payment moneys.

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

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

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

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

21 Section 2. Section 488 of the act, amended July 15, 1976,
22 (P.L.993, No.202), is amended to read:

23 Section 488. Violation; Penalty.--(a) Any bank, industrial
24 bank, credit union, trust company, bank and trust company,
25 private banker, building and loan association, or other
26 financial institution doing business in Pennsylvania, or
27 employer who or which willfully violates the provisions of
28 section 487 of this act, or who or which willfully makes any
29 false or misleading statement in connection with any disclosure
30 required by said section, shall be guilty of a misdemeanor, and

1 upon conviction thereof, shall be sentenced to pay a fine not
2 exceeding one thousand dollars (\$1000).

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

7 Section 3. This act shall take effect in 60 days.