

SENATE BILL NO. 381—SENATORS BROWER, HAMMOND,
HUTCHISON, HARDY; AND SETTELMAYER

MARCH 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to prevent recipients of certain public assistance from using benefits in certain businesses. (BDR 38-459)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public welfare; prohibiting recipients of certain public assistance from using benefits received in certain businesses and in certain manners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Federal law requires states participating in the program to provide Temporary
2 Assistance to Needy Families to maintain policies and practices as necessary to
3 prevent benefits provided to recipients of aid pursuant to the program from using
4 those benefits in: (1) a liquor store; (2) a casino or gaming establishment; or (3) a
5 strip club. (42 U.S.C. § 608(a)(12)) Existing law requires the Division of Welfare
6 and Supportive Services of the Department of Health and Human Services to
7 establish a written plan for personal responsibility for a household receiving
8 benefits pursuant to the program for Temporary Assistance to Needy Families.
9 (NRS 422A.535) **Section 1** of this bill requires any written plan for personal
10 responsibility to prohibit recipients from using benefits in a business or in a manner
11 that federal law requires the State to prohibit. **Section 1** also prohibits a person
12 from knowingly accepting a public assistance electronic benefit transfer card,
13 which is a card issued by the Division to a recipient of benefits pursuant to the
14 program to allow the recipient to access and process transactions using his or her
15 benefits, for use in such a business.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422A.535 is hereby amended to read as follows:

422A.535 1. The Division shall, with the participation of the head of a household who is applying for benefits, establish a written plan for personal responsibility for the household. The plan for personal responsibility must be based on the assessment made pursuant to NRS 422A.530 and 42 U.S.C. § 608.

2. In addition to the requirements set forth in 42 U.S.C. § 608, the plan required pursuant to subsection 1 must:

(a) Identify the role of each member of the household and the obligations of each member pursuant to the plan;

(b) Be signed by the head of the household within 60 days after the head of household is determined to be eligible for benefits; and

(c) Specify a date, not later than 24 months after the date the plan becomes effective, upon which the plan will expire.

3. *The plan required pursuant to subsection 1 must prohibit any benefits from being used by any person in the household who is subject to the plan:*

(a) For gaming purposes in a casino, gambling casino or gaming establishment;

(b) In a liquor store;

(c) In a retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment;

(d) In any other place where the State is required to prohibit the use of such benefits by the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, and any regulations adopted pursuant thereto; or

(e) In any other manner that the State is required to prohibit by the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, and any regulations adopted pursuant thereto.

4. *A person shall not knowingly accept a public assistance electronic benefit transfer card for use in any place or manner listed in subsection 3.*

5. *A recipient who attempts to use benefits or uses benefits in any place or manner listed in subsection 3 shall be deemed to have failed to comply with the plan established pursuant to subsection 1.*

6. The Division shall periodically review the plan required pursuant to subsection 1 to determine whether the needs of the household have changed. The Division may, with the participation



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1 of the head of the household, amend the plan as it deems
2 appropriate.

3 ~~14.1~~ 7. If a member of the household is an unmarried parent
4 who is less than 18 years of age, the plan required pursuant to
5 subsection 1 must include a provision which:

6 (a) Requires the head of the household to ensure that the
7 unmarried parent attends training to learn the skills necessary to care
8 for the child; and

9 (b) Encourages the head of the household to ensure that the
10 unmarried parent participates in a program which provides mentors
11 for unmarried parents who are less than 18 years of age.

12 8. *As used in this section:*

13 (a) *“Casino, gambling casino or gaming establishment” means*
14 *any business operating under a nonrestricted gaming license, as*
15 *defined in NRS 463.0177, or a restricted gaming license, as*
16 *defined in NRS 463.0189, but excludes any business excluded*
17 *from the term in 42 U.S.C. 608(a)(12)(B)(ii).*

18 (b) *“Liquor store” has the meaning ascribed to it in 42 U.S.C.*
19 *§ 608(a)(12)(B)(i).*

20 (c) *“Public assistance electronic benefit transfer card” means*
21 *a plastic card or any other access device issued by the Division to a*
22 *recipient of benefits that enables the recipient to have access to*
23 *and process transactions involving benefits.*

24 Sec. 2. (Deleted by amendment.)

25 Sec. 3. (Deleted by amendment.)

26 Sec. 4. (Deleted by amendment.)

27 Sec. 5. (Deleted by amendment.)

28 Sec. 6. (Deleted by amendment.)

29 Sec. 7. (Deleted by amendment.)

30 Sec. 8. (Deleted by amendment.)

31 Sec. 9. On or before February 1, 2015, the Director of the
32 Department of Health and Human Services shall submit to
33 the Director of the Legislative Counsel Bureau for transmittal to the
34 Legislature a report regarding measures taken by the Department to
35 comply with section 4004 of the Middle Class Tax Relief and Job
36 Creation Act of 2012, Public Law 112-96, and any regulations
37 adopted pursuant thereto. The report must include, without
38 limitation, any recommendations for legislation that is necessary to
39 comply with section 4004 of the Middle Class Tax Relief and Job
40 Creation Act of 2012, Public Law 112-96, and any regulations
41 adopted pursuant thereto.

42 Sec. 10. This act becomes effective on July 1, 2013.

