

## 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, ZIMMERMAN, TOOHL, BENNINGHOFF, MOUL,  
KLUNK, KRIEGER, KORTZ, BOBACK, WATSON, MILNE, B. MILLER,  
FARRY, MICCARELLI AND DUSH, APRIL 20, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 2, 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 [PURCHASE]: <--

13 (1) ~~Purchase~~ PURCHASE liquor or alcohol with a gift <--

14 certificate or a gift card which is in the form of an electronic  
15 benefits card issued to convey public assistance benefits

1 administered by the [Department of Public Welfare] department or  
2 a debit card issued to convey support payment moneys.

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

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

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

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

23 (D) NOTWITHSTANDING THE PROHIBITIONS ON THE USE OF PUBLIC <--  
24 ASSISTANCE FUNDS IN THIS SECTION, THIS SECTION SHALL NOT BE  
25 CONSTRUED TO APPLY TO FUNDS DEPOSITED ONTO THE ELECTRONIC  
26 BENEFITS TRANSFER CARD WHICH RELATE TO CHILD SUPPORT OR THE  
27 STATE BLIND PENSION.

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

30 Section 488. Violation; Penalty.--(a) Any bank, industrial

1 bank, credit union, trust company, bank and trust company,  
2 private banker, building and loan association, or other  
3 financial institution doing business in Pennsylvania, or  
4 employer who or which willfully violates the provisions of  
5 section 487 of this act, or who or which willfully makes any  
6 false or misleading statement in connection with any disclosure  
7 required by said section, shall be guilty of a misdemeanor, and  
8 upon conviction thereof, shall be sentenced to pay a fine not  
9 exceeding one thousand dollars (\$1000).

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

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