

ASSEMBLY BILL

No. 1689

Introduced by Assembly Member Donnelly

February 15, 2012

An act to amend Section 10072 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1689, as introduced, Donnelly. Electronic benefits transfer.

Existing law, administered by the State Department of Social Services, provides for the establishment of a statewide electronic benefits transfer (EBT) system for the purpose of providing financial and food assistance benefits to needy Californians.

This bill would make a technical, nonsubstantive change to the law relating to the EBT system.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10072 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 10072. The electronic benefits transfer system required by this
- 4 chapter shall be designed to do, but not be limited to, all of the
- 5 following:
- 6 (a) To the extent permitted by federal law and the rules of the
- 7 program providing the benefits, recipients who are required to
- 8 receive their benefits using an electronic benefits transfer system
- 9 shall be permitted to gain access to ~~the~~ *those* benefits in any part

1 of the state where electronic benefits transfers are accepted. All
2 electronic benefits transfer systems in this state shall be designed
3 to allow recipients to gain access to their benefits by using every
4 other electronic benefits transfer system.

5 (b) To the maximum extent feasible, electronic benefits transfer
6 systems shall be designed to be compatible with the electronic
7 benefits transfer systems in other states.

8 (c) All reasonable measures shall be taken in order to ensure
9 that recipients have access to electronically issued benefits through
10 systems such as automated teller machines, point-of-sale devices,
11 or other devices that accept electronic benefits transfer transactions.
12 Benefits provided under Chapter 2 (commencing with Section
13 11200) of Part 3 shall be staggered over a period of three calendar
14 days, unless a county requests a waiver from the department and
15 the waiver is approved, or in cases of hardship pursuant to
16 subdivision (l).

17 (d) The system shall provide for reasonable access to benefits
18 to recipients who demonstrate an inability to use an electronic
19 benefits transfer card or other aspect of the system because of
20 disability, language, lack of access, or other barrier. These
21 alternative methods shall conform to the requirements of the
22 Americans with Disabilities Act (42 U.S.C. Sec. 12101, et seq.),
23 including reasonable accommodations for recipients who, because
24 of physical or mental disabilities, are unable to operate or otherwise
25 make effective use of the electronic benefits transfer system.

26 (e) The system shall permit a recipient the option to choose a
27 personal identification number, also known as a “pin” number, to
28 assist the recipient to remember his or her number in order to allow
29 access to benefits. Whenever an institution, authorized
30 representative, or other third party not part of the recipient
31 household or assistance unit has been issued an electronic benefits
32 transfer card, either in lieu of, or in addition to, the recipient, the
33 third party shall have a separate card and personal identification
34 number. At the option of the recipient, he or she may designate
35 whether restrictions apply to the third party’s access to the
36 recipient’s benefits. At the option of the recipient head of
37 household or assistance unit, the county shall provide one electronic
38 benefits transfer card to each adult member to enable them to
39 access benefits.

1 (f) The system shall have a 24-hour per day toll-free telephone
2 hotline for the reporting of lost or stolen cards and that will provide
3 recipients with information on how to have the card and personal
4 identification number replaced.

5 (g) A recipient shall not incur any loss of electronic benefits
6 after reporting that his or her electronic benefits transfer card or
7 personal identification number has been lost or stolen. The system
8 shall provide for the prompt replacement of lost or stolen electronic
9 benefits transfer cards and personal identification numbers.
10 Electronic benefits for which the case was determined eligible and
11 that were not withdrawn by transactions using an authorized
12 personal identification number for the account shall also be
13 promptly replaced.

14 (h) Electronic benefits transfer system consumers shall be
15 informed on how to use electronic benefits transfer cards and how
16 to protect them from misuse.

17 (i) Procedures shall be developed for error resolution.

18 (j) No fee shall be charged by the state, a county, or an electronic
19 benefits processor certified by the state to retailers participating
20 in the electronic benefits transfer system.

21 (k) Except for CalFresh transactions, a recipient may be charged
22 a fee, not to exceed the amount allowed by applicable state and
23 federal law and customarily charged to other customers, for cash
24 withdrawal transactions that exceed four per month.

25 (l) A county shall exempt an individual from the three-day
26 staggering requirement under subdivision (c) on a case-by-case
27 basis for hardship. Hardship includes, but is not limited to, the
28 incurrence of late charges on an individual's housing payments.