

1-1 By: Creighton S.B. No. 866  
 1-2 (In the Senate - Filed March 1, 2021; March 11, 2021, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 27, 2021, reported favorably by the following vote: Yeas 5,  
 1-5 Nays 4; April 27, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15		X		
1-16		X		

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to electronic benefits transfer cards used by or for  
 1-20 recipients of benefits under certain assistance programs.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
 1-23 amended by adding Sections 531.0911 and 531.0912 to read as  
 1-24 follows:

1-25 Sec. 531.0911. PHOTOGRAPH AND OTHER INFORMATION ON CERTAIN  
 1-26 ELECTRONIC BENEFITS TRANSFER CARDS. (a) In this section:

1-27 (1) "Financial assistance program" means the  
 1-28 financial assistance program established under Chapter 31, Human  
 1-29 Resources Code.

1-30 (2) "Recipient" means a person who receives benefits  
 1-31 under the financial assistance program or the supplemental  
 1-32 nutrition assistance program.

1-33 (3) "Supplemental nutrition assistance program" has  
 1-34 the meaning assigned by Section 33.0005, Human Resources Code.

1-35 (b) Subject to Subsection (d), the commission shall ensure  
 1-36 that the front side of each electronic benefits transfer card used  
 1-37 by a recipient or other person authorized on the recipient's  
 1-38 account for purposes of receiving benefits under the financial  
 1-39 assistance program or the supplemental nutrition assistance  
 1-40 program displays:

1-41 (1) the name and photograph of the recipient or other  
 1-42 authorized person, as appropriate;

1-43 (2) the words "Fraud Hotline" followed by the  
 1-44 telephone number of the commission's toll-free hotline for  
 1-45 reporting suspected fraud required under Section 531.108(b)(2);  
 1-46 and

1-47 (3) the Internet website address maintained by the  
 1-48 commission for the purpose of allowing persons to report suspected  
 1-49 fraud in either the financial assistance program or the  
 1-50 supplemental nutrition assistance program.

1-51 (c) The Department of Public Safety shall provide to the  
 1-52 commission the photographs of a recipient and each person  
 1-53 authorized on the recipient's account that the department has in  
 1-54 its records. The commission shall use the photographs for purposes  
 1-55 of complying with Subsection (b)(1). The commission and the  
 1-56 department may enter into a memorandum of understanding for  
 1-57 purposes of this subsection.

1-58 (d) A recipient or other person authorized on the  
 1-59 recipient's account is exempt from the photograph requirement

2-1 imposed by Subsection (b) if:

2-2 (1) the recipient or other authorized person is:

2-3 (A) 65 years of age or older;

2-4 (B) younger than 19 years of age;

2-5 (C) blind;

2-6 (D) disabled;

2-7 (E) a victim of domestic violence;

2-8 (F) homeless; or

2-9 (G) issued the electronic benefits transfer card

2-10 at a field, regional, or other local commission office; or

2-11 (2) the Department of Public Safety does not provide a  
2-12 photograph of the recipient or other authorized person to the  
2-13 commission under Subsection (c).

2-14 (e) The executive commissioner may adopt rules necessary to  
2-15 implement this section.

2-16 Sec. 531.0912. MONITORING AND REPORTING OF ELECTRONIC  
2-17 BENEFITS TRANSFER CARD REPLACEMENT REQUESTS. (a) In this section  
2-18 "financial assistance program," "recipient," and "supplemental  
2-19 nutrition assistance program" have the meanings assigned by Section  
2-20 531.0911.

2-21 (b) The commission shall monitor the frequency with which  
2-22 recipients request replacements of their electronic benefits  
2-23 transfer cards used for purposes of receiving benefits under the  
2-24 financial assistance program or the supplemental nutrition  
2-25 assistance program. Not later than December 1 of each year, the  
2-26 commission shall submit a report regarding that frequency to the  
2-27 standing committees of the house of representatives and the senate  
2-28 with jurisdiction over the financial assistance and supplemental  
2-29 nutrition assistance programs.

2-30 SECTION 2. Section 730.007(c), Transportation Code, is  
2-31 amended to read as follows:

2-32 (c) This section does not:

2-33 (1) prohibit the disclosure of a person's photographic  
2-34 image to:

2-35 (A) a law enforcement agency, the Texas  
2-36 Department of Motor Vehicles, a county tax assessor-collector, or a  
2-37 criminal justice agency for an official purpose;

2-38 (B) an agency of this state investigating an  
2-39 alleged violation of a state or federal law relating to the  
2-40 obtaining, selling, or purchasing of a benefit authorized by  
2-41 Chapter 31 or 33, Human Resources Code; ~~or~~

2-42 (C) an agency of this state investigating an  
2-43 alleged violation of a state or federal law under authority  
2-44 provided by Title 4, Labor Code; or

2-45 (D) the Health and Human Services Commission for  
2-46 use on an electronic benefits transfer card as required by Section  
2-47 531.0911, Government Code; or

2-48 (2) prevent a court from compelling by subpoena the  
2-49 production of a person's photographic image.

2-50 SECTION 3. Notwithstanding Section 531.0911, Government  
2-51 Code, as added by this Act, the Health and Human Services  
2-52 Commission:

2-53 (1) is not required to issue electronic benefits  
2-54 transfer cards that comply with that section until September 1,  
2-55 2022, but is required to begin issuing cards that comply with that  
2-56 section beginning on that date; and

2-57 (2) shall ensure that on or before August 31, 2024,  
2-58 each electronic benefits transfer card used to deliver benefits to  
2-59 recipients under the financial assistance program under Chapter 31,  
2-60 Human Resources Code, or the supplemental nutrition assistance  
2-61 program under Chapter 33, Human Resources Code, conforms to Section  
2-62 531.0911, Government Code, as added by this Act.

2-63 SECTION 4. Notwithstanding Section 531.0912, Government  
2-64 Code, as added by this Act, the Health and Human Services Commission  
2-65 shall submit the first report required by that section not later  
2-66 than December 1, 2022.

2-67 SECTION 5. If before implementing any provision of this Act  
2-68 a state agency determines that a waiver or authorization from a  
2-69 federal agency is necessary for implementation of that provision,

3-1 the agency affected by the provision shall request the waiver or  
3-2 authorization and may delay implementing that provision until the  
3-3 waiver or authorization is granted.

3-4 SECTION 6. This Act takes effect September 1, 2021.

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