
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 6

Session of
2017

INTRODUCED BY REGAN, ARGALL, SCARNATI, CORMAN, RESCHENTHALER,
EICHELBERGER, McGARRIGLE, VULAKOVICH, FOLMER, AUMENT, WHITE,
DISANTO, RAFFERTY, WAGNER, YUDICHAK, VOGEL, STEFANO AND
BROOKS, JANUARY 25, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 16, 2018

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 definitions, for resources and for
5 verification system, prohibiting eligibility for individuals
6 convicted of drug distribution, prohibiting eligibility for
7 violators of sexual offender registration, further providing
8 for false statements, investigations and penalty and for
9 prohibited use of public assistance funds, providing for lost
10 access devices and further providing for violation and
11 penalty.

12 This act shall be referred to as the Public Assistance
13 Integrity Act.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 402 of the act of June 13, 1967 (P.L.31,
17 No.21), known as the Human Services Code, is amended by adding a
18 definition to read:

19 Section 402. Definitions.--As used in this article, unless
20 the content clearly indicates otherwise:

1 "Access device." An electronic benefit transfer card that is
2 issued by the department to convey public assistance benefits to
3 a recipient.

4 * * *

5 Section 2. Section 432.5(c) of the act is amended and the
6 section is amended by adding a subsection to read:

7 Section 432.5. Resources.--* * *

8 (c) Other property in excess of two hundred fifty dollars
9 (\$250) for a single person applying for or receiving assistance
10 and other property in excess of one thousand dollars (\$1,000)
11 for assistance groups with more than one person shall be
12 considered an available resource. The following items shall not
13 be considered an available resource, unless such consideration
14 is required under Federal law or regulations:

15 (1) Wedding and engagement rings, family heirlooms, clothing
16 and children's toys.

17 (2) Household furnishings, personal effects and other items
18 used to provide, equip, and maintain a household for the
19 applicant and recipient.

20 (3) Equipment and material which are necessary to implement
21 employment, rehabilitation, or self care plan for the applicant
22 or recipient.

23 (4) One motor vehicle ~~with a fair market value, according to~~<--
24 ~~a standard guide resource available to the automobile industry~~
25 ~~and consumers that determines the value of new and used~~
26 ~~automobiles, of less than forty thousand dollars (\$40,000) per~~
27 assistance group[.] AS FOLLOWS: <--

28 (I) WHEN THE DIFFERENCE BETWEEN THE FAIR MARKET VALUE,
29 ACCORDING TO A STANDARD GUIDE RESOURCE AVAILABLE TO THE
30 AUTOMOBILE INDUSTRY AND CONSUMERS THAT DETERMINES THE VALUE OF

1 NEW AND USED AUTOMOBILES, AND THE AMOUNT OWED ON THE PURCHASE
2 PRICE OF THE VEHICLE IS LESS THAN FORTY THOUSAND DOLLARS
3 (\$40,000).

4 (II) SUBPARAGRAPH (I) SHALL APPLY TO THE EXTENT PERMITTED BY
5 FEDERAL LAW.

6 (5) Retroactive assistance payments received as a result of
7 a prehearing conference or a fair hearing decision.

8 * * *

9 (g) For the purpose of determining a recipient's eligibility
10 for assistance, individual lottery winnings of six hundred
11 dollars (\$600) or more shall be considered an available
12 resource. Lottery winnings shall be calculated on a prorated
13 basis over a twelve-month period following receipt of such
14 winnings.

15 Section 3. Section 432.23(a) of the act is amended by adding
16 a paragraph to read:

17 Section 432.23. Verification System.--(a) The department
18 shall establish a computerized income eligibility verification
19 system to verify eligibility, eliminate duplication of
20 assistance and deter fraud: Provided, however, that the
21 department, in good faith, attempts to obtain the cooperation by
22 Federal authorities or other states, or both; and further
23 provided, that the data be accessible by the department. Subject
24 to section 432.19, prior to authorizing assistance under section
25 432.2(b) or continuing assistance under section 432.2(c), the
26 department shall match the social security number of each
27 applicant and recipient with the following:

28 * * *

29 (20) Lottery winners database maintained by the Pennsylvania
30 Lottery.

1 * * *

2 Section 4. The act is amended by adding sections to read:

3 Section 432.25. Eligibility for Individuals Convicted of

4 Drug Distribution.--(a) (1) Notwithstanding sections 405.1 and

5 432.24, to the extent permitted by Federal law, no individual

6 who, after the effective date of this section, has been

7 convicted under section 13(a)(14), (30) or (37) of the act of

8 April 14, 1972 (P.L.233, No.64), known as "The Controlled

9 Substance, Drug, Device and Cosmetic Act," when the amount of

10 controlled substances involved is equivalent to or greater than

11 the amount of controlled substances set forth in 18 Pa.C.S. §

12 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)

13 (iii) (relating to drug trafficking sentencing and penalties)

14 while receiving public assistance shall be eligible for public

15 assistance unless:

16 (i) the individual is complying with or has already complied

17 with the obligations imposed by the criminal court; and

18 (ii) the individual is actively engaged in or has completed

19 a court-ordered substance abuse treatment program, AS <--

20 APPLICABLE, and participates in periodic drug tests for ten

21 years after the drug-related conviction or for the duration of

22 probation, whichever is of longer duration.

23 (2) Upon a second or subsequent conviction under section

24 13(a)(14), (30) or (37) of "The Controlled Substance, Drug,

25 Device and Cosmetic Act" when the amount of controlled

26 substances involved is equivalent to or greater than the amount

27 of controlled substances set forth in 18 Pa.C.S. § 7508(a)(1)

28 (iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii), the

29 individual shall be suspended from receiving public assistance

30 for a period of ten years TO THE EXTENT PERMITTED BY FEDERAL <--

1 LAW. After the ten-year suspension, the individual may apply for
2 public assistance.

3 (b) An individual who takes a drug test pursuant to
4 subsection (a)(1)(ii) and fails the test shall be subject to the
5 following sanctions TO THE EXTENT PERMITTED BY FEDERAL LAW: <--

6 (1) For failing a drug test the first time, an individual
7 shall be provided an assessment for addiction and provided
8 treatment for addiction as indicated by treatment criteria
9 developed by the Single State Authority on Drugs and Alcohol.
10 Assessments shall be conducted by the Single County Authority
11 (SCA) on Drugs and Alcohol or a designee. Treatment recommended
12 shall be provided by facilities licensed by the Division of Drug
13 and Alcohol Program Licensure in the Department of Drug and
14 Alcohol Programs OR BY A LICENSED PHYSICIAN. Medicaid <--
15 eligibility and determinations shall be expedited to ensure
16 access to assessment and addiction treatment through Medicaid.
17 If the individual cooperates with the assessment and treatment,
18 no penalty shall be imposed. If the individual refuses to
19 cooperate with the assessment and treatment, the public
20 assistance shall be suspended for six months. The department
21 must notify the individual of the failed drug test no later than
22 seven days after receipt of the drug test results, and the
23 suspension in public assistance will begin on the next scheduled
24 distribution of public assistance and for every other
25 distribution of public assistance until the suspension period
26 lapses. After suspension, an individual may apply for public
27 assistance but shall submit to a retest.

28 (2) For failing a drug test or retest the second time, the
29 individual shall be suspended from receiving public assistance
30 for a period of ten years. After the ten-year suspension, an

1 individual may apply for public assistance but shall submit to a
2 retest.

3 (c) Nothing in this section shall be construed to render
4 applicants or recipients who fail a drug test or drug retest
5 ineligible for:

6 (1) a Commonwealth program that pays the costs for
7 participating in a drug treatment program;

8 (2) a medical assistance program; or

9 (3) another benefit not included within the definition of
10 public assistance as defined under subsection (f).

11 (d) Notwithstanding any other provision in this section, the
12 department shall, in its sole discretion, determine when it is
13 cost effective to implement the provisions of this section.

14 (e) This section shall not apply to benefits which are
15 afforded to the minor children of those individuals who are
16 denied eligibility to receive public assistance benefits under
17 subsection (a).

18 (f) As used in this section, the term "public assistance"
19 means Temporary Assistance to Needy Families (TANF), general
20 assistance and State supplemental assistance.

21 Section 432.26. Eligibility for Violators of Sexual Offender
22 Registration.--An SUBJECT TO FEDERAL APPROVAL, AN individual <--
23 required to register as a convicted sexual offender pursuant to
24 42 Pa.C.S. § 9799.13 (relating to applicability) who is not
25 compliant with the registration requirements imposed upon the
26 individual by 42 Pa.C.S. §§ 9799.15 (relating to period of
27 registration), 9799.19 (relating to initial registration) and
28 9799.25 (relating to verification by sexual offenders and
29 Pennsylvania State Police) shall not be eligible for assistance
30 until the individual can prove compliance with the applicable

1 registration requirements. The eligibility for assistance of
2 minor children living in the household shall not be affected by
3 an individual being deemed ineligible for assistance by this
4 section. The department ~~shall issue~~ MAY PROMULGATE regulations <--
5 necessary to effectuate compliance with the registration
6 requirements for individuals it considers transient or homeless
7 to include any address or location where public assistance funds
8 are to be sent on behalf of an eligible individual.

9 Section 5. Sections 481(b) and 484 of the act are amended to
10 read:

11 Section 481. False Statements; Investigations; Penalty.--* *
12 *

13 (b) Any person violating subsection (a) commits the grade of
14 crime determined from the following schedule:

15 Amount of Assistance	Degree of Crime
16 or Food Stamps	
17 [\$3,000 or more	Felony of the third degree
18 \$1,500 to \$2,999	Misdemeanor of the first degree
19 \$1,000 to \$1,499	Misdemeanor of the second degree
20 \$ 999 and under, or	
21 an attempt to commit	
22 any act prohibited in	
23 subsection (a)	Misdemeanor of the third degree

24 Pursuant to 42 Pa.C.S. § 1515(a)(7) (relating to jurisdiction
25 and venue), jurisdiction over cases graded a misdemeanor of the
26 third degree under this section shall be vested in district
27 justices.]

28 <u>\$1,000 or more</u>	<u>Felony of the third degree</u>
29 <u>\$999 and under, or an</u>	
30 <u>attempt to commit any</u>	

1 act prohibited in

2 subsection (a) Misdemeanor of the first degree

3 * * *

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

5 It shall be unlawful for any individual to [purchase]:

6 (1) Purchase liquor or alcohol with [a gift certificate or a
7 gift card which is in the form of an electronic benefits card
8 issued to convey public assistance benefits administered by the
9 Department of Public Welfare or a debit card issued to convey
10 support payment moneys] an access device.

11 (2) Withdraw funds from an access device for any transaction
12 in a licensed facility or any retail establishment that provides
13 adult-oriented entertainment in which performers disrobe or
14 perform in an unclothed state for entertainment.

15 (b) It shall be unlawful for a licensed gaming entity to
16 allow for the withdrawal of funds from an access device or,
17 through a point-of-sale transaction, to allow the use of public
18 assistance benefits administered by the department.

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

23 (d) As used in this section, the following words and phrases
24 shall have the meanings given to them in this subsection:

25 "Licensed facility" means a "licensed facility" as defined in
26 4 Pa.C.S. § 1103 (relating to definitions).

27 "Licensed gaming entity" means a "licensed gaming entity" as
28 defined in 4 Pa.C.S. § 1103.

29 Section 6. The act is amended by adding a section to read:

30 Section 485. Lost Access Devices.--(a) A recipient who

1 requests the replacement of an access device shall pay a
2 replacement fee of five dollars (\$5) for the first replacement
3 access device requested.

4 (b) A recipient who is sixty-four years of age or younger
5 who requests the replacement of additional access devices shall
6 pay a replacement fee of one hundred dollars (\$100) for the
7 second and each subsequent replacement access device requested.

8 (b.1) A recipient who is sixty-five years of age or older
9 who requests the replacement of additional access devices shall
10 pay a replacement fee of five dollars (\$5) for the second and
11 each subsequent replacement access device requested.

12 (c) Payments made pursuant to subsections (a), (b) and (b.1)
13 shall be made to the department prior to the issuance of any
14 replacement access device.

15 (d) The department shall notify the Office of Inspector
16 General of the name of any recipient who has requested
17 replacement of two or more access devices in a calendar year.

18 (e) The department shall not assess a replacement fee in
19 accordance with subsection (a), (b) or (b.1) and no notification
20 shall be made in accordance with subsection (c) if:

21 (1) A recipient is able to prove that the access device
22 assigned to the recipient has been lost in postage or has
23 otherwise been lost by the department.

24 (2) The access device assigned to a recipient by the
25 department is damaged or does not function.

26 (3) A recipient's original access device was lost or damaged
27 in a fire, flood or other natural disaster.

28 (F) THIS SECTION SHALL APPLY TO THE EXTENT PERMITTED BY
29 FEDERAL LAW.

<--

30 Section 7. Section 488 of the act is amended to read:

1 Section 488. Violation; Penalty.--(a) Any bank, industrial
2 bank, credit union, trust company, bank and trust company,
3 private banker, building and loan association, or other
4 financial institution doing business in Pennsylvania, or
5 employer who or which wilfully violates the provisions of
6 section 487 of this act, or who or which wilfully makes any
7 false or misleading statement in connection with any disclosure
8 required by said section, shall be guilty of a misdemeanor, and
9 upon conviction thereof, shall be sentenced to pay a fine not
10 exceeding one thousand dollars (\$1000).

11 (b) (1) Any licensed gaming entity or retailer that
12 wilfully violates the provisions of section 484 of this act
13 commits a misdemeanor and shall, upon conviction, be sentenced
14 to pay a fine not exceeding one thousand dollars (\$1000).

15 (2) As used in this subsection, the term "licensed gaming
16 entity" shall have the same meaning as provided in 4 Pa.C.S. §
17 1103 (relating to definitions).

18 Section 8. This act shall take effect in 60 days.