

2SSB 5327 - S AMD 67
By Senator Carrell

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 74.08.580 and 2002 c 252 s 1 are each amended to read
4 as follows:

5 (1) Any person receiving public assistance is prohibited from using
6 electronic benefit cards or cash obtained with electronic benefit
7 cards:

8 (a) For the purpose of participating in any of the activities
9 authorized under chapter 9.46 RCW;

10 (b) For the purpose of parimutuel wagering authorized under chapter
11 67.16 RCW; (~~or~~)

12 (c) To purchase lottery tickets or shares authorized under chapter
13 67.70 RCW;

14 (d) For the purpose of participating in or purchasing any
15 activities located in a tattoo, body piercing, or body art shop
16 licensed under chapter 18.300 RCW;

17 (e) To purchase cigarettes as defined in RCW 82.24.010 or tobacco
18 products as defined in RCW 82.26.010;

19 (f) To purchase any items regulated under Title 66 RCW; or

20 (g) For the purpose of purchasing or participating in any
21 activities in any location listed in subsection (2) of this section.

22 (2) On or before January 1, 2012, the businesses listed in this
23 subsection must disable the ability of ATM and point-of-sale machines
24 located on their business premises to accept the electronic benefit
25 card. The following businesses are required to comply with this
26 mandate:

27 (a) Taverns licensed under RCW 66.24.330;

28 (b) Beer/wine specialty stores licensed under RCW 66.24.371;

29 (c) Nightclubs licensed under RCW 66.24.600;

30 (d) Contract liquor stores defined under RCW 66.04.010;

- 1 (e) Bail bond agencies regulated under chapter 18.185 RCW;
2 (f) Gambling establishments licensed under chapter 9.46 RCW;
3 (g) Tattoo, body piercing, or body art shops regulated under
4 chapter 18.300 RCW;
5 (h) Adult entertainment venues with performances that contain
6 erotic material where minors under the age of eighteen are prohibited
7 under RCW 9.68A.150; and
8 (i) Any establishments where persons under the age of eighteen are
9 not permitted.

10 (3) Violation of subsection (1) of this section constitutes a gross
11 misdemeanor.

12 (4)(a) The department shall notify, in writing, all recipients of
13 electronic benefit cards that any violation of subsection (1) of this
14 section could result in civil or criminal legal proceedings and, for
15 recipients, the forfeiture of all cash public assistance, and for
16 business establishments, the temporary suspension of their business
17 license.

18 (b) Whenever the department receives notice that a person has
19 violated subsection (1) of this section, the department shall notify
20 the person in writing that the violation could result in civil or
21 criminal legal proceedings and, for recipients, the forfeiture of all
22 cash public assistance, and for business establishments, the temporary
23 suspension of their business license.

24 (c) The department shall assign a protective payee to the person
25 receiving public assistance who violates subsection (1) of this
26 section.

27 NEW SECTION. Sec. 2. A new section is added to chapter 66.24 RCW
28 to read as follows:

29 The board shall immediately suspend the license of a business that
30 has been issued a license under RCW 66.24.330, 66.24.371, or 66.24.600
31 if the board receives information that the business has not complied
32 with RCW 74.08.580(2). If the licensee has remained otherwise eligible
33 to be licensed, the board may reinstate the suspended license when the
34 business has complied with RCW 74.08.580(2).

35 **Sec. 3.** RCW 66.16.041 and 2005 c 151 s 6 are each amended to read
36 as follows:

1 (1) The state liquor control board shall accept bank credit card
2 and debit cards for purchases in state liquor stores, under such rules
3 as the board may adopt. The board shall authorize contract liquor
4 stores appointed under RCW 66.08.050 to accept bank credit cards and
5 debit cards for liquor purchases under this title, under such rules as
6 the board may adopt.

7 (2) If a contract liquor store chooses to use credit or debit cards
8 for liquor purchases, the board shall provide equipment and
9 installation and maintenance of the equipment necessary to implement
10 the use of credit and debit cards. Any equipment provided by the board
11 to a contract liquor store for this purpose may be used only for the
12 purchase of liquor.

13 (3) It is the board's responsibility to ensure that the equipment
14 used by the contract liquor stores to accept debit or credit cards
15 complies with the requirements of RCW 74.08.580(2) with regard to point
16 of sale machines.

17 (4) It is the contract liquor store's responsibility to comply with
18 the requirements of RCW 74.08.580(2) pertaining to the use of EBT cards
19 in ATM machines located on the contract liquor store premises. The
20 board shall immediately suspend the contract it has with the contract
21 liquor store if it receives information that the store has not complied
22 with RCW 74.08.580(2). The board may reinstate the suspended contract
23 when the contract liquor store has complied with RCW 74.08.580(2).

24 NEW SECTION. Sec. 4. A new section is added to chapter 18.300 RCW
25 to read as follows:

26 The department shall immediately suspend any license under this
27 chapter if the department receives information that the license holder
28 has not complied with RCW 74.08.580(2). If the license holder has
29 remained otherwise eligible to be licensed, the department may
30 reinstate the suspended license when the holder has complied with RCW
31 74.08.580(2).

32 NEW SECTION. Sec. 5. A new section is added to chapter 18.185 RCW
33 to read as follows:

34 The director shall immediately suspend any license issued under
35 this chapter if the director receives information that the license
36 holder has not complied with RCW 74.08.580(2). If the license holder

1 has otherwise remained eligible to be licensed, the director may
2 reinstate the suspended license when the holder has complied with RCW
3 74.08.580(2).

4 **Sec. 6.** RCW 9.46.410 and 2002 c 252 s 2 are each amended to read
5 as follows:

6 (1) Any licensee authorized under this chapter is prohibited from
7 allowing the use of public assistance electronic benefit cards for the
8 purpose of participating in any of the activities authorized under this
9 chapter.

10 (2) Any licensee authorized under this chapter shall report to the
11 department of social and health services any known violations of RCW
12 74.08.580.

13 (3) Any licensee authorized under this chapter is required to
14 comply with RCW 74.08.580(2). If the licensee fails to comply with RCW
15 74.08.580(2), its license shall be immediately suspended until it
16 complies with RCW 74.08.580(2). If the licensee remains otherwise
17 eligible to be licensed, the commission may reinstate the license once
18 the licensee has complied with RCW 74.08.580(2).

19 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2012."

2SSB 5327 - S AMD
By Senator Carrell

NOT CONSIDERED 05/25/2011

20 On page 1, line 2 of the title, after "cards;" strike the remainder
21 of the title and insert "amending RCW 74.08.580, 66.16.041, and
22 9.46.410; adding a new section to chapter 66.24 RCW; adding a new
23 section to chapter 18.300 RCW; adding a new section to chapter 18.185
24 RCW; prescribing penalties; and providing an effective date."

EFFECT: The language requiring a blanket suspension of the

businesses' license due to failure to disable their ATM and point-of-sale machines from accepting EBT cards is removed and replaced with separate sections providing the same suspension but specific to the actual license each business receives.

--- END ---