

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4375

**FISCAL
NOTE**

BY DELEGATES SOBONYA, BUTLER, ROWAN, WARD AND

HOUSEHOLDER

[Introduced January 31, 2018; Referred
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §9-2-14, relating generally to benefits provided by the Department of Health
 3 and Human Resources; requiring benefit access devices to have a photograph of the
 4 person to whom a device was issued; permitting a benefit access device to be used by
 5 another authorized individual on the device holder's behalf; defining terms; and providing
 6 for rule-making.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND
 RESPONSIBILITIES GENERALLY.**

§9-2-14. Benefit access device; photograph; who may use; definitions; rule-making.

1 (a) For the purposes of this section:

2 “Benefits” means any payment, allotments, money, goods or other things of value granted
 3 pursuant to a benefit program.

4 “Benefit access device” means any card, plate, account number or other means of access
 5 that can be used, alone or in conjunction with another access device, to obtain payments,
 6 allotments, benefits, money, goods or other things of value that can be used to initiate a transfer
 7 of funds.

8 “Benefit program” includes the Federal Food Stamp Act, Supplemental Nutritional
 9 Assistance Program, Temporary Assistance to Needy Families, other similar state or federal
 10 financial assistance program or other program sponsored by the department.

11 (b) All benefit access devices that permit access to benefits or a benefit program shall
 12 have a photograph of the person to whom the device was issued.

13 (c) A benefit access device may also be used by another authorized individual, such as a
 14 caregiver, who may, with proper photo identification, use the device for the device holder's benefit.

15 (d) The secretary shall propose rules in accordance with §29A-3-1 et seq. of this code that
16 are necessary to effectuate the requirements and purposes of this section by September 30,
17 2018.

NOTE: The purpose of this bill is to require benefit access devices to have a photograph of the person to whom a device was issued. The bill permits a benefit access device to be used by another authorized individual on the device holder's behalf. The bill defines terms and provides for rule-making.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.