

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 12

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO PUBLIC ASSISTANCE; ENACTING A NEW SECTION OF THE  
NEW MEXICO WORKS ACT TO AUTHORIZE THE HUMAN SERVICES DEPARTMENT  
TO ISSUE CASH ASSISTANCE THROUGH ELECTRONIC BENEFITS TRANSFER,  
TO RESTRICT RETAILERS FROM RECEIVING ELECTRONIC BENEFITS  
TRANSFER PAYMENTS AND TO CHARGE FEES TO REPLACE ELECTRONIC  
BENEFITS TRANSFER CARDS; PROHIBITING THE USE OF CASH ASSISTANCE  
AT CERTAIN ESTABLISHMENTS; PROVIDING FOR RULEMAKING; REQUIRING  
REGULATORY CONSULTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the New Mexico Works Act is  
enacted to read:

"[NEW MATERIAL] CASH ASSISTANCE--SPENDING RESTRICTIONS.--

A. The department may:

(1) issue cash assistance to a participant

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underscored material = new  
[bracketed material] = delete

1 through electronic benefits transfer;

2 (2) authorize a fee to a participant to cover  
3 the cost associated with issuing a replacement electronic  
4 benefits transfer card;

5 (3) approve or deny participation by a  
6 retailer in the electronic benefits transfer system; and

7 (4) use any available technology, including  
8 electronic blocking or filtering, through its electronic  
9 benefits transfer services provider to block the use of  
10 electronic benefits transfer cards at automatic teller machines  
11 and point-of-sale terminals located at a retailer whose  
12 participation in the electronic benefits transfer program has  
13 been denied.

14 B. The department shall prohibit participants from  
15 using cash assistance benefits in, and retailers and financial  
16 institutions from participating in, electronic benefits  
17 transfer transactions at:

18 (1) the licensed premises of a pari-mutuel  
19 horse racing establishment where simulcast or pari-mutuel  
20 wagering is conducted;

21 (2) a gaming establishment;

22 (3) a liquor store; or

23 (4) an adult entertainment establishment.

24 C. The gaming control board, the tribal liaison to  
25 the gaming control board appointed pursuant to the State-Tribal

1 Collaboration Act, the alcohol and gaming division of the  
2 regulation and licensing department and the state racing  
3 commission shall work cooperatively with the human services  
4 department to share information regarding:

5 (1) the use of electronic benefits transfer  
6 transactions at automatic teller machines and point-of-sale  
7 terminals at establishments described in Subsection B of this  
8 section under their respective jurisdictions; and

9 (2) methods for prohibiting participants from  
10 electronic benefits transfer access at establishments described  
11 in Subsection B of this section under their respective  
12 jurisdictions.

13 D. The secretary shall adopt and promulgate rules  
14 as necessary for carrying out the provisions of this section.

15 E. The department shall administer the electronic  
16 benefits transfer program to ensure compliance with applicable  
17 federal law and the New Mexico Indian Gaming Compact made  
18 pursuant to Chapter 11, Article 13 NMSA 1978.

19 F. As used in this section:

20 (1) "adult entertainment establishment" means  
21 any retail establishment that provides adult-oriented  
22 entertainment in which performers disrobe or perform in an  
23 unclothed state for entertainment;

24 (2) "electronic benefits transfer" means an  
25 online system in which cash assistance benefits are stored in a

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1 central computer database and electronically accessed by  
2 participants at the point of sale;

3 (3) "financial institution" means an  
4 organization authorized to do business under state or federal  
5 laws relating to financial institutions and includes a bank,  
6 trust company, savings bank, building and loan association,  
7 savings and loan company or association and credit union;

8 (4) "gaming establishment" means an  
9 establishment whose principal purpose of business is regulated  
10 by the gaming control board;

11 (5) "licensed premises" means an establishment  
12 at which business activity is regulated by the alcohol and  
13 gaming division of the regulation and licensing department;

14 (6) "liquor store" means a retail  
15 establishment that sells exclusively or primarily intoxicating  
16 liquor. "Liquor store" does not mean a store that sells both  
17 intoxicating liquor and groceries; and

18 (7) "retailer" means a person that sells or  
19 offers for sale products or services to participants."