

# Maryland Register

Issue Date: December 12, 2014  
Volume 41 • Issue 25 • Pages 1465 - 1556

## Title 07 DEPARTMENT OF HUMAN RESOURCES Subtitle 03 FAMILY INVESTMENT ADMINISTRATION

### 07.03.03 Family Investment Program

Authority: Human Services Article, §5-207 and Title 5, Subtitle 3, Annotated Code of Maryland; Ch. 469, Acts of 2009; *Public Law 112-96*

#### Notice of Proposed Action [14-360-P]

The Secretary of Human Resources proposes to amend Regulation .16 under **COMAR 07.03.03 Family Investment Program**.

#### Statement of Purpose

This regulation, in compliance with the federal Middle Class Tax Relief and Job Creation Act of 2012, prohibits Temporary Cash Assistance (TCA) recipients from using electronic benefit transfer (EBT) cards at any establishments whose primary purpose is gambling, adult entertainment, or the sale of liquor, wine, and beer. In addition, the regulation requires TCA recipients to sign a form developed by the Family Investment Administration acknowledging this prohibition and agreeing to abide by specified conditions.

#### Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 311 W. Saratoga St., Room 265, Baltimore, MD 21201, or call 410-767-2149, or email to [andrea.shuck@maryland.gov](mailto:andrea.shuck@maryland.gov), or fax to 410-333-0637. Comments will be accepted through January 12, 2015. A public hearing has not been scheduled.

#### .16 Method of Payment.

A. — B. (text unchanged)

C. *In accordance with federal law, TCA recipients may not access their TCA benefits through their EBT cards or use their EBT cards at an automated teller machine (ATM) or point of sale (POS) machine in any establishment whose primary purpose is:*

*(1) Gambling, including, but not limited to, a casino, a business containing slot machines, race tracks, or off-track betting businesses;*

*(2) Adult entertainment in which individuals disrobe for an audience, including, but not limited to, strip clubs, adult clubs, or online pornography; or*

*(3) The sale of liquor, wine, and beer, including, but not limited to, liquor stores, bars, or package good stores.*

*D. Applicants and recipients must sign a form developed by the Family Investment Administration indicating that they understand the prohibition in §C of this regulation and agree to abide by the conditions of this regulation, including the following:*

*(1) A recipient who violates the requirements of this regulation the first time shall receive a warning that the recipient's access to TCA benefits on the EBT card is in danger of being revoked;*

*(2) A recipient in violation a second time shall have the access to TCA benefits on the EBT card revoked for a minimum of 1 year;*

*(3) A recipient in violation a third time shall have the access to TCA benefits on the EBT card revoked permanently;*

*(4) Recipients whose access to TCA benefits on the EBT cards has been revoked shall be required to provide checking or savings account information to the Family Investment Administration or EBT staff for direct deposit of their assistance benefits;*

*(5) TCA recipients not able to provide checking or savings account information shall be issued a paper check;*

*(6) Cash benefits on direct deposit may not be replaced if lost or stolen;*

*(7) Paper checks mailed to customers may be replaced one time when the customer reports the check was not received or it was stolen, within 30 days of issuance; and*

*(8) A recipient who is requesting a replacement TCA paper check because of theft shall provide a police report of the theft.*

**[C.] E. — [J.] L. (text unchanged)**

TED DALLAS  
Secretary of Human Resources