

239B.5 Compliance with federal law — prohibited electronic benefit transfer transactions.

1. If, as a condition of receiving federal funds for the family investment program, federal law requires implementation and administration of certain activities during a period when the general assembly is not in session, the department shall proceed to implement and administer those provisions, even if in conflict with other existing state law. However, the period of implementation authorized under [this subsection](#) shall end upon the adjournment of the regular session of the general assembly immediately following the commencement of the period of implementation.

2. The department may submit waiver requests to the United States department of health and human services as necessary to implement and administer any provision under [this chapter](#), or to implement any subsequent initiative that requires a waiver from federal law.

3. *a.* The provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, §115, shall not apply to an applicant or participant.

b. However, unless exempt for good cause under rules adopted by the department for this purpose, an applicant or participant convicted under federal or state law of a felony offense, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6), shall be required to participate in drug rehabilitation activities or to fulfill other requirements to verify that the applicant or participant does not illegally possess, use, or distribute a controlled substance.

4. *a.* The department shall implement policies and procedures as necessary to comply with provisions of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, to prevent assistance provided under [this chapter](#) from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. For purposes of this paragraph, the definitions found in the federal Middle Class Tax Relief and Job Creation Act and related rules and statutes apply.

b. Unless otherwise precluded by federal law or regulation, policies and procedures implemented under [this subsection](#) shall at a minimum impose the prohibition described in paragraph “*a*” as a condition for continued eligibility for assistance under [this chapter](#).

c. The department may implement additional measures as may be necessary to comply with federal regulations in implementing paragraph “*a*”.

d. The department shall adopt rules as necessary to implement [this subsection](#).

[97 Acts, ch 41, §6, 34; 2013 Acts, ch 138, §90](#)

Referred to in [§239B.14, 331.301, 414.1](#)