



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
600 Washington Street • Boston, MA 02111

DEVAL L. PATRICK
Governor


TIMOTHY P. MURRAY
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JUDYANN BIGBY, M.D.
Secretary

JULIA E. KEHOE
Commissioner

Operations Memo 2011-41
September 2, 2011

To: Department of Transitional Assistance Office Staff

From:  Stephanie Brown, Assistant Commissioner for Policy, Program and External Relations

Re: TAFDC and EAEDC – Limitations on Use of Cash Benefits

Overview

On July 28, 2011 the Legislature passed and the Governor signed a law which prohibits:

- DTA cash clients from using any direct cash assistance received from the Department to purchase alcoholic beverages, lottery tickets and tobacco products.
- stores from selling the alcoholic beverages, lottery tickets and tobacco products to DTA cash clients using electronic benefit cards for these purchases. Store owners caught making these sales are subject to fines.
- anyone from embezzling, stealing or fraudulently obtaining DTA funds, assets or property and whomever receives, conceals or retains such property for his own interest knowing that they have been embezzled, stolen or obtained by fraud are subject to criminal penalties.

Reminder: Welfare fraud is also prosecuted under previously existing statutes.

State Letter

A State Letter, effective July 28, 2011, will be issued transmitting these changes to TAO staff.

Purpose of Memo The purpose of this Operations Memo is to advise:

- TAO staff about the new law;
 - case managers about their responsibilities with respect to the new law; and
 - case managers about revised forms.
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Impact of the New Law

The new law prohibits:

- EAEDC clients and TAFDC from using any money received from the Department to purchase alcoholic beverages, lottery tickets and tobacco products. Clients may not use their EBT cards or cash received from benefits to purchase these items.

If a client has been found to make such a purchase, he or she must reimburse DTA for the amount of the purchase of the prohibited items from their current and/or future benefits.

- stores from selling the above products to EAEDC clients and TAFDC clients using electronic benefit cards for these purchases.

Store owners in violation of this law are subject to fines. Depending upon the number of offenses, fine amounts can range from less than \$500 to \$1000. Law enforcement is authorized to enforce these penalties.

- anyone from embezzling, stealing or fraudulently obtaining DTA funds, assets or property and whomever receives, conceals or retains such property for his or her own interest knowing that they have been embezzled, stolen or obtained by fraud are subject to criminal penalties.

If the value of the property is \$100 or more, fines can be imposed up to \$25,000 or confinement for not more than 5 years or both. If the value of the property is less than \$100, a fine of not more than \$1000 or confinement for not more than 1 year or both may be imposed.

Poster

A poster (Attachment A) must be displayed in every TAO until further notice. This poster informs our applicants and clients about the new law.

**Case Manager
Responsibilities**

Case managers must:

- ensure applicants and clients are told about the new law; and
 - inform applicants and clients about the penalties involved with this new law.
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Revised Forms

The following forms are being revised to reflect the new law:

- Your Right to Know;
 - TAFDC Program Brochure; and
 - EAEDC Program Brochure.
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Questions

If you have any questions, please have your Hotline designee call the Policy Hotline.

NEW LAW PASSED
**Cash benefits cannot be used to buy alcohol, tobacco, or
lottery tickets.**

On July 28, 2011, a law was passed that makes it illegal to buy the following items with your cash benefits:

- **ALCOHOLIC BEVERAGES**
(beer, wine, liquor, etc.)
- **TOBACCO PRODUCTS**
(cigarettes, cigars, etc.)
- **LOTTERY TICKETS**

If you buy any of these items with your cash benefits, you will have to pay back the Department. If you do not have the money to repay, we will take it from your future benefits. **Please note:** this law applies even if you buy alcohol, tobacco and lottery tickets using money withdrawn from your EBT card.

If you have any questions about this new law please contact your case manager or recipient services.

For more information, call 1-877-382-2363