HOUSE . . . . . No. 3577

Section 27contained in the engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3535), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment C of House, No. 3581).

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

AN ACT RELATIVE TO THE USE OF DIRECT CASH ASSISTANCE FOR PURCHASES OF ALCOHOLIC BEVERAGES, LOTTERY TICKETS OR TOBACCO PRODUCTS .

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prohibit the use of direct cash assistance for certain purchases, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 18 of the General Laws is hereby amended by inserting after section 5H the following 3 sections:-

Section 5I. Notwithstanding any general or special law to the contrary, eligible recipients of direct cash assistance shall not use direct cash assistance funds for the purchase of alcoholic beverages, lottery tickets or tobacco products. An eligible recipient of direct cash assistance who makes a purchase in violation of this section shall reimburse the department for such purchase.

Section 5J. Notwithstanding any general or special law to the contrary, an individual or store owner shall not accept direct cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic beverages, lottery tickets, or tobacco products. An individual or store owner who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not more than $500 for the first offense, a fine of not less than $500 nor more than $1,000 for the second offense, and a fine of not less than $1,000 for the third or subsequent offense.

14 Section 5K. Notwithstanding any general or special law to the contrary, whoever
15 embezzles, steals or obtains by fraud any funds, assets or property provided by the department of
16 transitional assistance and whoever receives, conceals or retains such funds, assets or property
17 for his own interest knowing such funds, assets or property have been embezzled, stolen or
18 obtained by fraud shall, if such funds, assets or property are of a value of $100 or more, be
19 punished by a fine of not more than $25,000 or by imprisonment in a jail or house of correction
20 for not more than 5 years, or both such fine and imprisonment, or if such funds, assets or
21 property are of a value of less than $100, by a fine of not more than $1,000 or by imprisonment
22 in a jail or house of correction for not more than 1 year, or both such fine and imprisonment.