

House Engrossed

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 290

# **HOUSE BILL 2261**

AN ACT

AMENDING SECTIONS 4-246, 5-116 AND 46-297, ARIZONA REVISED STATUTES; RELATING TO ELECTRONIC BENEFIT TRANSFER CARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 4-246, Arizona Revised Statutes, is amended to  
3 read:

4 4-246. Violation; classification

5 A. A person violating any provision of this title is guilty of a class  
6 2 misdemeanor unless another classification is prescribed.

7 B. A person violating SECTION 4-242.01, SUBSECTION A OR section 4-244,  
8 paragraph 9, 14, 34, 42 or 44 is guilty of a class 1 misdemeanor.

9 C. A person violating section 4-229, subsection B, or section 4-244,  
10 paragraph 31 is guilty of a class 3 misdemeanor.

11 D. In addition to any other penalty prescribed by law, the court may  
12 suspend the privilege to drive of a person WHO IS under eighteen years of age  
13 for a period of up to one hundred eighty days on receiving the record of the  
14 person's first conviction for a violation of section 4-244, paragraph 9.

15 E. In addition to any other penalty prescribed by law, a person who is  
16 convicted of a violation of section 4-244, paragraph 42 shall pay a fine of  
17 at least five hundred dollars.

18 F. In addition to any other penalty prescribed by law, a person who is  
19 convicted of a violation of section 4-241, subsection L, M or N shall pay a  
20 fine of at least two hundred fifty dollars.

21 Sec. 2. Section 5-116, Arizona Revised Statutes, is amended to read:

22 5-116. Prohibition of automatic teller machine or point-of-sale  
23 terminal that accepts electronic benefit transfer  
24 cards on premises; penalties; violation;  
25 classification

26 A. It is unlawful for a permittee, licensee or facility for commercial  
27 horse racing or dog racing licensed pursuant to this title to operate on the  
28 licensed premises an automatic teller machine or a point-of-sale terminal  
29 that accepts electronic benefit transfer cards issued pursuant to title 46,  
30 chapter 2, article 5 or that processes electronic benefit transfer card  
31 transactions.

32 B. On or before February 1, 2014, a permittee, licensee or facility  
33 for commercial horse racing or dog racing licensed pursuant to this title  
34 shall disable the ability of every automatic teller machine and point-of-sale  
35 terminal operated on the premises to accept the electronic benefit transfer  
36 card or process an electronic benefit transfer CARD transaction.

37 C. Failure to comply with this section is a license violation subject  
38 to licensing action. The commission shall ensure compliance with the  
39 requirements of this section and enforce the continued prohibition on the use  
40 of electronic benefit transfer cards.

41 D. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS GUILTY OF A  
42 CLASS 1 MISDEMEANOR.

1           Sec. 3. Section 46-297, Arizona Revised Statutes, is amended to read:  
2           46-297. Electronic benefit transfers; prohibitions; penalties;  
3                           violation; classification; definitions

4           A. A head of household who receives cash assistance pursuant to this  
5 section, or on behalf of another person, and any person authorized by the  
6 head of household shall not conduct an electronic benefit transfer CARD  
7 transaction at any of the following:

- 8           1. A liquor store ~~as defined in this section.~~  
9           2. A commercial horse racing or dog racing facility as defined in  
10 section 5-101.  
11           3. A casino, gambling casino or gaming establishment or a gaming  
12 facility located on Indian lands pursuant to section 5-601.02.  
13           4. An adult oriented entertainment establishment.  
14           5. A MEDICAL MARIJUANA DISPENSARY.

15           B. It is unlawful for an adult oriented entertainment establishment to  
16 operate on the licensed or permitted premises an automatic teller machine or  
17 a point-of-sale terminal that accepts electronic benefit transfer cards  
18 issued under this title or that processes electronic benefit TRANSFER card  
19 transactions. A violation of this subsection is a ~~permit or license~~  
20 violation. ~~A municipality that licenses or regulates adult oriented~~  
21 ~~entertainment establishments shall do all of the following:~~

- 22           1. ~~Ensure that on or before February 1, 2014 all adult oriented~~  
23 ~~entertainment establishments in the municipality's jurisdiction disable the~~  
24 ~~ability of automatic teller machines and point-of-sale terminals operated on~~  
25 ~~the business's premises to accept the electronic benefit transfer card or~~  
26 ~~process an electronic benefit transfer card transaction.~~  
27           2. ~~Enforce the continued prohibition on the use of the electronic~~  
28 ~~benefit transfer card.~~  
29           3. ~~Enact ordinances necessary to ensure compliance with this section.~~

30           C. The department shall notify electronic benefit transfer card  
31 recipients of the restrictions prescribed in subsection A of this section.

32           ~~D. An adult oriented entertainment establishment that violates this~~  
33 ~~section is subject to licensing or permit action.~~

34           D. A PERSON WHO VIOLATES SUBSECTION A OR B OF THIS SECTION IS GUILTY  
35 OF A CLASS 1 MISDEMEANOR.

36           E. For the purposes of this section:

37           1. "Adult oriented entertainment establishment" means an entertainment  
38 business at which performers disrobe or perform in an unclothed state.

39           2. Casino, gambling casino and gaming establishment do not include  
40 either of the following:

41           (a) A grocery store that sells groceries, including staple foods, and  
42 that is located in the same building or complex as a casino, gambling casino  
43 or gaming establishment.

44           (b) Any other business that offers gambling or gaming activities  
45 incidental to the principal purpose of the business.

- 1           3. "Electronic benefit transfer card transaction" means the use of a  
2 credit or debit card service, automated teller machine or point-of-sale  
3 terminal or access to an online system for the withdrawal of cash assistance  
4 provided pursuant to this article or for the processing of a payment for  
5 merchandise or a service from cash assistance provided pursuant to this  
6 article.
- 7           4. "Liquor" means the following substances as defined in section  
8 4-101:
- 9           (a) Beer.  
10           (b) Wine.  
11           (c) Distilled spirits.  
12           (d) Spirituous liquor.
- 13           5. "Liquor store" means:  
14           (a) A retail establishment that exclusively or primarily sells liquor,  
15 but does not include a grocery store that sells both liquor and groceries,  
16 including staple foods.  
17           (b) An on-sale retailer as defined in section 4-101 if the on-sale  
18 retailer sells liquor in the original container for consumption off premises.
- 19           6. "Staple food" means food in any of the following categories except  
20 accessory food items such as coffee, tea, cocoa, carbonated and uncarbonated  
21 drinks, candy, condiments and spices:
- 22           (a) Meat, poultry or fish.  
23           (b) Bread or cereals.  
24           (c) Vegetables or fruits.  
25           (d) Dairy products.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.

Passed the House February 24, 20 16

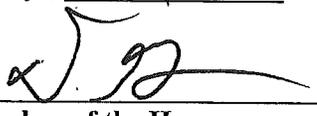
Passed the Senate May 7, 20 14

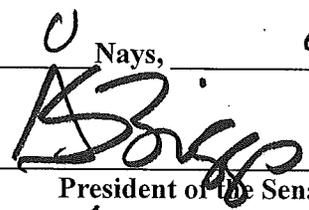
by the following vote: 47 Ayes,

by the following vote: 28 Ayes,

12 Nays, 1 Not Voting

0 Nays, 2 Not Voting

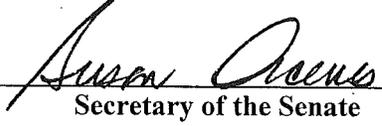




Speaker of the House  Pro Tempore

President of the Senate





Chief Clerk of the House

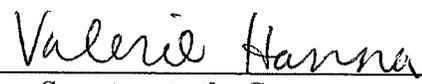
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

7 day of May, 20 16

at 3:33 o'clock Az M.

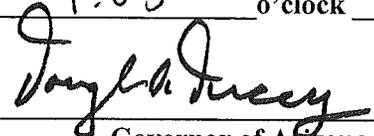


Secretary to the Governor

Approved this 17<sup>th</sup> day of

May

at 1:05 o'clock P. M.



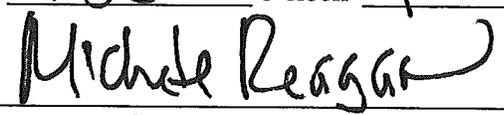
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17<sup>th</sup> day of May, 20 16

at 4:35 o'clock P M.



Secretary of State

H.B. 2261