

By: Senator(s) Smith

To: Public Health and
Welfare

SENATE BILL NO. 2672

1 AN ACT TO DIRECT THE DEPARTMENT OF HUMAN SERVICES TO REQUEST
2 FEDERAL WAIVERS TO PERMIT FOOD STAMP PURCHASES TO BE LIMITED TO
3 FIVE BASIC FOOD AND/OR PERSONAL HYGIENE ITEMS, AS DETERMINED BY
4 THE DEPARTMENT; TO AMEND SECTION 97-19-71, MISSISSIPPI CODE OF
5 1972, TO DISQUALIFY ANY PARTICIPANT WHO VIOLATES THIS PROVISION
6 FROM THE FOOD STAMP PROGRAM; AND FOR RELATED PURPOSES. BE IT
7 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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9 SECTION 1. The Department of Human Services shall request
10 waivers from the Secretary of the federal Department of
11 Agriculture to permit the application of the food stamp program
12 eligibility and purchasing requirements described in this section.
13 The eligibility and benefit criteria for program participants
14 shall provide that participants shall be allowed to use food
15 stamps to purchase only five (5) basic food and/or personal
16 hygiene items, as determined by regulation of the Department of
17 Human Services. All eligible participants in the food stamp
18 program shall be subject to the limitations of this waiver
19 program. Any food stamp recipient or vendor participating in the
20 food stamp program who violates the provisions of this section
21 shall be suspended from participation in the food stamp program
22 for a period of ten (10) years. This section shall not be
23 implemented unless (i) the federal waivers have been granted, or
24 (ii) the Secretary of the federal Department of Agriculture
25 certifies that federal law permits this state to apply the
26 eligibility and purchasing requirements specified in this section,
27 and (iii) the Secretary of the federal Department of Agriculture
28 certifies that full implementation of this waiver program shall
29 receive federal funding at current participation rates.

30 SECTION 2. Section 97-19-71, Mississippi Code of 1972, is
31 amended as follows:

32 97-19-71. (1) Any person who knowingly:

33 (a) Fails, by false statement, misrepresentation,
34 impersonation, or other fraudulent means, to disclose a material
35 fact used in making a determination as to such person's
36 qualification to receive aid or benefits or services under any
37 state or federally funded assistance program; or

38 (b) Fails to disclose a change in circumstances in
39 order to obtain or continue to receive under any such program aid
40 or benefits or services to which he is not entitled or in an
41 amount larger than that to which he is entitled, or who knowingly
42 aids and abets another person in the commission of any such act;
43 is guilty of fraud.

44 (2) Any person who knowingly:

45 (a) Uses, transfers, acquires, traffics, alters, forges
46 or possesses;

47 (b) Attempts to use, transfer, acquire, traffic, alter,
48 forge or possess; * * *

49 (c) Aids and abets another person in the use, transfer,
50 acquisition, traffic, alteration, forgery or possession of a food
51 stamp, a food stamp identification card, an authorization for the
52 purchase of food stamps, a certificate of eligibility for medical
53 services, or a Medicaid identification card, for profit or in any
54 manner not authorized by law or regulations issued by the agency
55 responsible for the administration of the state or federally
56 funded program; or

57 (d) Uses, or aids and abets another person in the use
58 of a food stamp to purchase any item not authorized by law or
59 regulations issued by the agency responsible for the
60 administration of the federal food stamp program;
61 is guilty of fraud.

62 (3) Any person having duties in the administration of a

63 state or federally funded assistance program who fraudulently
64 misappropriates, attempts to misappropriate, or aids and abets in
65 the misappropriation of, a food stamp, an authorization for food
66 stamps, a food stamp identification card, a certificate of
67 eligibility for prescribed medicine, a Medicaid identification
68 card, or assistance from any other state or federally funded
69 program with which he has been entrusted or of which he has gained
70 possession by virtue of his position, or who knowingly fails to
71 disclose any such fraudulent activity, is guilty of fraud.

72 (4) Any person who:

73 (a) Knowingly files, attempts to file, or aids and
74 abets in the filing of, a claim for services to a recipient of
75 benefits under any state or federally funded assistance program
76 for services which were not rendered; knowingly files a false
77 claim for nonauthorized items or services under such a program; or
78 knowingly bills the recipient of benefits under such a program, or
79 his family, for an amount in excess of that provided for by law or
80 regulations; or

81 (b) In any way knowingly receives, attempts to receive,
82 or aids and abets in the receipt of unauthorized payment as
83 provided herein;
84 is guilty of fraud.

85 (5) Any person who knowingly signs, or aids and abets any
86 person to sign, a false application for the replacement of
87 benefits or aid to which that person is entitled claiming that
88 person's benefits or aid was not received, is guilty of fraud.

89 (6) Any person convicted of the crime of fraud under this
90 section shall be:

91 (a) Punished by imprisonment in the state penitentiary
92 for a term not exceeding three (3) years, and fined not less than
93 One Thousand Dollars (\$1,000.00) nor more than Ten Thousand
94 Dollars (\$10,000.00); or

95 (b) Punished by imprisonment in the county jail for a

96 term not exceeding one (1) year, and fined not less than One
97 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
98 (\$1,000.00); and

99 (c) Ordered to make full restitution of the money or
100 services or the value of those services unlawfully received; and

101 (d) Where the legislation creating a program allows,
102 suspended from participation in the program for the length of time
103 allowed by the legislation creating the program.

104 (7) This section shall not prohibit prosecution under any
105 other criminal statute of this state or the United States.

106 SECTION 3. This act shall take effect and be in force from
107 and after July 1, 1999.