



# HOUSE OF REPRESENTATIVES

SB 1106

food stamp benefits; unlawful use  
Prime Sponsor: Senator Barto, LD 15

---

DP Committee on Judiciary  
DP Caucus and COW  
X House Engrossed

---

## OVERVIEW

SB 1106 prohibits the sale, transfer, acquisition or redemption of food stamps for cash or items other than *eligible food*.

## PROVISIONS

1. Makes it unlawful to buy, sell, transfer, acquire or redeem food stamps or other *eligible food* purchased with food stamps in exchange for cash or items other than *eligible food*. Makes it a Class 5 felony ([presumptive 1½ years of incarceration, fine of up to \\$150,000 plus surcharges](#)).
2. Defines *eligible food* as any of the following:
  - a. Any food or food product intended for human consumption with specific exceptions;
  - b. Seeds and plants to grow foods for personal consumption of an eligible household;
  - c. Meals prepared and delivered by an authorized delivery service to an eligible household;
  - d. Meals served by an authorized communal dining facility for the elderly or a supplemental security income household to an eligible household;
  - e. Meals prepared and served by a rehabilitation center;
  - f. Meals that are prepared and served by a facility to blind or disabled residents;
  - g. Meals prepared and served to eligible residents by a shelter for battered women and children;
  - h. Meals prepared and served by an appropriate authorized public or private nonprofit establishment that feeds homeless persons;
  - i. Meals prepared by a restaurant that contracts with an appropriate state agency to serve meals to homeless persons and households in which all persons are elderly or disabled.
3. Makes technical, clarifying and conforming changes.

## CURRENT LAW

[A.R.S. § 13-3701](#) makes it illegal to use food stamps if the person knowingly:

- Uses, transfers, acquires, possesses or redeems food stamps through fabricated means or material omission;
  - If the value of the food stamps is \$100 or less, it is a Class 1 misdemeanor (up to 6 months in jail, fine up to \$2,500 plus surcharges).
  - If the value of the food stamps is more than \$100, it is a Class 6 felony (presumptive 1 years of incarceration, fine up to \$150,000 plus surcharges).
- Counterfeits, alters, uses, transfers, acquires or possesses counterfeited or altered food stamps of EBT cards (Class 5 felony);

## SB 1106

- Appropriates food stamps with which the person has been entrusted or of which the person has gained possession by virtue of a position as a public employee (Class 5 felony); or
- Uses food stamps of another person after an unlawful transfer (Class 5 felony).

### ADDITIONAL INFORMATION

The Department of Economic Security regulates food stamps under the [Nutrition Assistance program](#) (NA). Under the NA, the following foods cannot be purchased with NA benefits:

- Alcoholic beverages and tobacco;
- Non-food items such as soap, paper products, cleaning supplies and cooking utensils;
- Items used for gardening such as fertilizer, peat moss and similar products;
- Items that are not to be eaten by people such as laundry starch, dog and cat food, seeds packaged as bird seed or decorative dye used to color hard-cooked eggs;
- Vitamins and minerals in any form;
- All health aids, such as aspirin, cough drops or syrups, cold remedies, antacids and all prescription medicines; and
- Hot foods and prepared meals, except when the person is part of the Restaurant Meals Program (RMP).

In order to be eligible for the RMP, a person must be elderly, homeless, or have a disability.