

Information for Grocers and Retailers

Massachusetts EBT Cards with and without Photos

Since early December, local Legal Services, MLRI and area food pantries have been contacted by many recipients and grocers/retailers about the new EBT photo cards beginning to circulate in Massachusetts. Here's what you need to know about the EBT cards in Massachusetts.

In August 2013, the Massachusetts Legislature passed a state law which requires **some** of the state's EBT card holders (about half) to have EBT Cards with pictures within 12 months of the law. The rest of the 495K SNAP recipients are exempt from this rule (about 270K), including persons over age 59, with disabilities, victims of domestic violence and other exceptions. DTA determines who is exempt, not retailers.

Starting December 2013, there are THREE (3) different EBT Cards in circulation in the MA. The good news for retailers and EBT customers is that all three cards operate the same, and the same federal EBT rules apply.

- There are **NO changes for retailers with EBT** transactions and POS devices. And the EBT customer can use the same PIN on any new EBT card (unless they chose to change it).
- **Any member of the EBT household can still use the EBT Card** – spouses, children, roommates – even if their name or picture is not on the card. Usually only one card is issued per household. The PIN is the electronic signature to access benefits. USDA federal rules say that stores **cannot** refuse to let household members use the EBT card if they have the correct PIN.
- Store clerks **cannot ask to inspect the EBT Card**, unless it is storewide policy to ask for a photo of every customer who uses debit or credit cards. USDA federal rules prohibit discriminatory treatment.

THREE types of Massachusetts EBT Cards now in circulation:



Card A: Photo EBT Card

This card was issued to 170K SNAP households at the end of November 2013, effective for the December SNAP (food stamps) or cash issuance. Households that *received* this card had their blue Bay State Access card *deactivated*.



Card B: Valid-Without-Photo EBT Card

This card will primarily be issued to **new applicants** for SNAP or cash who are exempt from the photo EBT rule. Some additional MA households may receive this in 2014. Most DTA households still have the blue Bay State Access card below.



Card C: Regular Blue EBT Card

This blue card is **STILL in effect for most DTA households**. The blue card was deactivated **ONLY** for households issued the new Photo EBT Card by mail, or who visit DTA to get a photo or valid-without-photo EBT card. If the Bay State Access blue card is not deactivated, it must be accepted by stores.

MORE INFORMATION on NEXT PAGE.

When did Massachusetts EBT recipients start getting new EBT Photo Cards?

At the end of November, Department of Transitional Assistance (DTA) started mailing about 170K new EBT Photo Cards to SNAP and cash households required to have a photo under state law (less than half the EBT caseload). DTA used photos from the Registry of Motor Vehicles for the cards in this mailing. DTA will also be collecting photos from about 50K additional EBT households over the next few months at their local DTA office. Until these EBT households receive a new card, their blue EBT cards are still valid.

Why are some customers finding their blue EBT Cards deactivated?

For EBT households required to have a new Photo EBT card by mail, Xerox started deactivating the blue EBT cards at midnight before the date the recipient's December 2013 benefits were due (benefits are usually issued during the first two weeks of each month -based on the last digit of the SSN of the household).

Community groups report that many EBT recipients who should have gotten a new EBT Photo Card in the mail did not receive them. **If that happens to one of your EBT customers, urge them to contact DTA immediately.** DTA can re-mail the EBT photo card, or the household can pick one up at the local DTA office. DTA can also *overnight mail* a replacement EBT card for households who have a hardship due to lack of transportation, distance from the DTA office, or conflicts with work schedule.

Some persons may mistakenly think they are supposed to get an EBT photo card - even though they are exempt from a photo based on their age, disability or other factor. EBT households can check if their blue EBT card is active by calling the EBT Customer Service Number on the back of the EBT card: 1-800-997-2555.

If USDA says EBT retailers can't inspect the EBT Photo Card, what's the point?

The EBT photo card law is for DTA verification of identity, not for retailer monitoring. **USDA rules prohibit EBT approved retailers treating SNAP recipients differently from other customers**, such as selectively checking EBT photo cards but not asking for photo ID of other Debit/Credit customers, or creating SNAP-only checkout lines. The PIN is the electronic signature that protects EBT benefits in MA and every other state, just like a Debit Card.

Why can recipients use an EBT card if their name/photo is not on it? Is this illegal?

It's NOT illegal! An EBT card is issued to *the entire SNAP household* for ALL household members to use. Under federal SNAP rules, persons who live together and share food are required to be in the same SNAP household. This includes related and un-related persons who share food, and children under age 22 living at home. All income is counted to determine the SNAP benefits. **USDA federal law says all household members must have access to the EBT benefits.** Again, the PIN is the electronic signature that protects the benefits on the card.

THE LAW: USDA rules protect the right of all authorized SNAP members to use the EBT card. USDA rules require retailers to not selectively card or otherwise discriminate against SNAP recipients. Federal EBT benefits are also inter-operable between states. That means EBT recipients from other states can shop in Massachusetts and vice versa, so retailers may notice other EBT cards at their markets as well. Here's the key USDA EBT rules in the Code of Federal Regulations: 7 CFR 273.2(n); 7 CFR 274.8(b)(5); 7 C.F.R. §274.12 (f)(6)(i); 7 CFR. 278.2(b). And here's the August 7, 2013 state law, [Chapter 65 of the Acts of 2013](#), that requires photo EBT for some, but not all, EBT recipients in Massachusetts.

Produced Dec. 2013 by the Massachusetts Law Reform Institute, www.mlri.org. For more information on the EBT photo ID rule, go to www.masslegalservices.org/EBTphoto or contact Vicky Negus or Pat Baker, 617-357-0700 x 315 vnegus@mlri.org pbaker@mlri.org