START\_STATUTE13-3701.  Unlawful use of food stamps; classification; definitions

A.  A person commits unlawful use of food stamps if the person knowingly:

1.  Uses, transfers, acquires, possesses or redeems food stamps by means of a false statement or representation, a material omission or the failure to disclose a change in circumstances or by any other fraudulent device.

2.  Counterfeits, alters, uses, transfers, acquires or possesses counterfeited or altered food stamps or electronic benefit transfer cards.

3.  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.

4.  Buys, sells, transfers, acquires or redeems food stamps, or eligible food purchased with food stamps, in exchange for cash or consideration other than eligible food.

B.  Unlawful use of food stamps under subsection A, paragraph 1 is a class 1 misdemeanor if the value of the food stamps is one hundred dollars or less, or a class 6 felony if the value is over one hundred dollars.  Unlawful use of food stamps under subsection A, paragraphs 2, 3 and 4 is a class 5 felony.

C.  For the purposes of this section:

1.  "Eligible food" means any of the following:

(a)  Any food or food product that is intended for human consumption except alcoholic beverages, tobacco and hot foods and hot food products that are prepared for immediate consumption.

(b)  Seeds and plants to grow foods for the personal consumption of an eligible household.

(c)  Meals that are prepared and delivered by an authorized meal delivery service to a household that is eligible to use coupons to purchase delivered meals or meals that are served by an authorized communal dining facility for the elderly or for a supplemental security income household, or both, to a household that is eligible to use coupons for communal dining.

(d)  Meals that are prepared and served by a drug addict or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and the children who live with the narcotic addict or alcoholic.

(e)  Meals that are prepared and served by a group living arrangement facility to residents who are blind or who have a disability.

(f)  Meals that are prepared and served by a shelter for battered women and children to the shelter's eligible residents.

(g)  Meals that are prepared for and served by an authorized public or private nonprofit establishment, including a soup kitchen or temporary shelter, that is approved by an appropriate state or local agency and that feeds homeless persons.

(h)  Meals that are prepared by a restaurant that contracts with an appropriate state agency to serve meals at low or reduced prices to homeless persons and households in which all persons are elderly or disabled.

2.  "Food stamps" includes food stamp coupons and electronically transferred supplemental nutrition assistance program benefits. END\_STATUTE