



*"Who are we to say, 'You made a mistake. You paid your debt to society. We're letting you re-enter society, but you can't eat'?"*

– Celia Cole, CEO of the Texas Food Bank Network

## SNAP Lifetime Drug Felon Ban

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### ***Background***

During the height of the War on Drugs in 1996, the United States Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), prohibiting anyone convicted of a drug-related felony from receiving federally-funded assistance through the Temporary Assistance to Needy Families (TANF) program or Supplemental Nutrition Assistance Program (SNAP). The law upholds a lifetime ban for individuals with drug-related convictions, many of whom were in a period of active addiction when they obtained their conviction. Anyone with a felony conviction for the possession, use or distribution of a controlled substance is ineligible for food stamp benefits. No other felony conviction has this provision – including murder and manslaughter.

At the time, two main arguments for the creation of this policy were to deter drug use among citizens, and prevent fraud of USDA Nutrition Assistance Program dollars. Denying people who have drug-related convictions from accessing social programs is not a preventative measure deterring drug use. Many of the charges against convicted drug felons are for selling drugs to make ends meet, not using them.<sup>1</sup> Access to benefits such as SNAP reduces the chances that formerly incarcerated people will resort back to selling drugs or other crimes in order to put food on the table for their families. SNAP recipients are eligible to receive employment and training and related supportive services under the SNAP E&T (Employment & Training) program. SNAP E&T supports participation in adult education, vocational training, child care, transportation, and other services. However, if an individual is ineligible for SNAP benefits due to the ban they cannot receive services from SNAP E&T. Addressing the fraud argument, the introduction of the Electronic Benefit Transfer (EBT) card has made fraud in transferring SNAP money for illegal cash transactions very difficult. In fact, the Center on Budget Policies and Priorities reports that SNAP has one of the most rigorous payment error measurement systems of any public benefit program<sup>2</sup>. Federal legislation already prohibits and punishes fraudulent use of welfare and nutrition assistance benefits, and it is easier for the government to identify and track suspicious food stamp activity<sup>3</sup>.

Individuals with drug convictions are left without food stamps and cash benefits, and establishing economic stability upon reentry becomes more difficult. It is more likely that they may return to criminal activity and drug use instead of maintaining sobriety and obtaining gainful employment. SNAP is a crucial financial safety net for individuals participating in addiction treatment and other programs. By helping people lead more stable lives, public assistance and food stamps can help improve reentry outcomes and have a positive effect on public safety. Alaska has a reported recidivism of 63.19%<sup>4</sup>, and it is clear the lifetime ban is not effective for secure and supported re-entry into society.

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<sup>1</sup> Mauer, M., & McCalmont, V. (2013). *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits*. Washington, D.C.: The Sentencing Project.

<sup>2</sup> Rosenbaum, Dottie. (2013) *SNAP is Effective and Efficient*. Washington, D.C.: Center on Budget Policies and Priorities.

<sup>3</sup> Mauer, M., & McCalmont, V. (2013). *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits*. Washington, D.C.: The Sentencing Project.

<sup>4</sup> Gutierrez, Carmen. "2015 Recidivism Reduction Plan: Cost-Effective Solutions to Slow Prison Population Growth and Reduce Recidivism".

### ***Does the SNAP Drug Felon Ban save states money?***

The short answer is no. SNAP is fully federally funded, and it does not come out of the state budget to provide SNAP benefits for state residents. The only costs taken on by states and counties are half of the administrative costs in implementation of the SNAP program<sup>5</sup>. In fact, utilizing SNAP benefits actually generates money for local businesses and grocery stores, stimulating state economies. In states like Alaska with high recidivism rates, it could be argued that having ex-prisoners re-enter the system is actually costing taxpayers more money to house them in jail.

### ***How can we change this in Alaska?***

Alaska is one of only 10 states left in the union who maintains the lifetime ban from SNAP. Though the food stamp ban is written into federal law, states may opt to waive or modify the requirement - as 25 states have done. Maine and Ohio statutes can be used as examples for “opting out” of the federal ban, as they carefully use non-controversial language to avoid conflicting with federal law. Other states like Colorado and Connecticut have made amendments to the provision, including requirements for attendance of drug and alcohol counseling and treatment after release from incarceration. By complying with the terms of their judgment, parole, or probation, the SNAP ban does not apply to a former drug felon in 8 states. In 9 states, individuals in treatment or who have completed treatment can receive SNAP benefits. The final option is to do away with the ban completely, which 16 states have acted upon. In Alaska, we must weigh the choices and come to an agreement to mitigate our high recidivism rate while serving those who need SNAP benefits most.

*This whitepaper was published in July 2015. Copies of Alaska Food Coalition White Papers are available on the Alaska Food Coalition website at [www.alaskafood.org/materials](http://www.alaskafood.org/materials)  
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<http://www.correct.state.ak.us/commish/docs/HB266%20%20Recidivism%20Reduction%20Plan%20Report%20%282015%29.pdf>

<sup>5</sup> Lyndsey K. Eadler, Purging the Drug Conviction Ban on Food Stamps in California, *The Scholar: St. Mary's Law Review on Minority Issues*, Issue 14, P.117-157 (2011).

