

APRIL 2024

BACKGROUND

In 1996, Congress imposed a lifetime ban on individuals convicted of a drug felony from receiving Supplemental Nutrition Assistance Program (SNAP) benefits after only two minutes of floor debate. Although states can opt out of enforcing this ban, state policymakers must affirmatively do so, and 22 states continue to limit SNAP eligibility for people with felony drug convictions.

Access to SNAP critically helps individuals returning from incarceration avoid hunger-hunger- that can increase recidivism risk and cost to taxpayers if left unaddressed.

Research suggests that the vast majority of individuals released from incarceration experience food insecurity.¹ Studies have also found that recently released individuals who receive public assistance like SNAP are less likely to recidivate,² while withholding assistance from returning individuals increases recidivism risk.³ A 2023 study examining the SNAP ban's impact found that, at any given time, it increased a person's risk of arrest by 3.2% for up to five years post-conviction. Not only were those blocked from accessing SNAP more likely to be re-arrested, but they were also re-arrested faster than those not disqualified.⁴ Repealing the SNAP drug felony ban will help people obtain resources that can prevent recidivism and incarceration. These positive outcomes also translate into savings for taxpayers from fewer people cycling through the criminal justice system. Law enforcement agencies are also able to better focus limited time and resources on serious crime over responding to individuals affected by the SNAP drug felony ban.

Denial of food assistance is a significant obstacle to remission from addiction, weakens individuals' ability to recover, and may increase risk of overdose and death.

Many people with drug convictions have a history of struggling with substance use disorder. Repealing the SNAP drug felony ban can help mitigate hunger—hunger that can interfere with successful treatment and recovery outcomes. Risk of overdose and death is also high following release from incarceration.⁵ Ensuring adequate nutrition along with access to evidence-based treatment during an individual's reentry can help decrease their risk of returning to substance use and of potential overdose.

The SNAP ban hurts the children and families of people with felony drug convictions. Families receive a much lower overall benefit when a parent is ineligible for SNAP as a result of a drug felony conviction and this ban. This means that households with a banned adult have access to less food and support, which increases the risk of families with children going hungry. Research also suggests that increased access to SNAP significantly reduces the rate of cases filed with child protective services.

The lifetime SNAP ban prevents returning individuals from benefiting from SNAP Employment and Training (E&T) programming.

The SNAP E&T program provides job and vocational training opportunities that can help prevent recidivism and support effective reentry.

THE RESTORE ACT

It is imperative that Congress repeal the SNAP drug felony ban by including the bipartisan RESTORE Act in the next Farm Bill. Members of Congress are urged to cosponsor the RESTORE Act to show support for repeal.

The RESTORE Act supports effective reentry, improves public safety, and reduces food insecurity for returning individuals and their families by repealing the lifetime ban on individuals convicted of a drug felony from accessing SNAP.

The legislation also codifies a USDA administrative waiver to SNAP state agencies that allows individuals to apply for SNAP 30 days prior to their release from incarceration.

To cosponsor the RESTORE Act ([S. 1753/H.R. 3479](#)) or learn more about the bill in the Senate, please contact Anna Whitney in Sen. Booker's office (Anna_Whitney@booker.senate.gov) and in the House, please contact Reisha Buster (Reisha.Buster@mail.house.gov) in Rep. Cohen's office.

END NOTES

1. Wang, E. A, Zhu, G. A, Evans, L, Carroll-Scott, A, Desai, R, & Fiellin, L. E. (2013). A pilot study examining food insecurity and HIV risk behaviors among individuals recently released from prison. *AIDS Education and Prevention: Official Publication of the International Society for AIDS Education*, 25(2), 112–123. <https://doi.org/10.1521/aeap.2013.25.2.112>.
2. Yang, S.C (2017). Does public assistance reduce recidivism? *American Economic Review*, 107 (5): 551–555. <https://doi.org/10.1257/aer.p20171001>.
3. Tuttle, C. (2019). Snapping Back: Food Stamp Bans and Criminal Recidivism. *American Economic Journal: Economic Policy*, 11(2), 301–327. <https://www.jstor.org/stable/26641373>.
4. Sugie, N. F. & Newark, C. J. (2023). Welfare drug bans and criminal legal cycling. *American Journal of Sociology*, 129(1), 41–75.
5. Binswanger, I. A, Stern, M. F, Deyo, R. A, Heagerty, P. J, Cheadle, A, Elmore, J. G, & Koepsell, T. D. (2007). Release from prison—a high risk of death for former inmates. *JAMA*, 356(2), 157–165. <https://doi.org/10.1056/NEJMsa064115>.