

# Repeal the SNAP Drug Felony Ban in the 2023 Farm Bill and Support the RESTORE Act

## Background

In 1996, Congress imposed a lifetime ban on individuals convicted of a drug felony from receiving SNAP 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 returning individuals avoid 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.<sup>i</sup> Studies have also found that recently released individuals who receive public assistance like SNAP are less likely to recidivate,<sup>ii</sup> while withholding assistance from returning individuals increases recidivism risk.<sup>iii</sup>

**Denying food assistance because of a past conviction has no public safety or crime deterrent value.** Instead, enforcement of the ban only compounds hunger and poverty that can undermine successful reentry to the community.

**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. Removing barriers to SNAP, such as the drug felony ban, can help mitigate hunger which can interfere with successful treatment and recovery outcomes. Risk of overdose and death is also high following release from incarceration.<sup>iv</sup> Ensuring adequate nutrition along with access to health care during an individual's reentry can help decrease their risk of returning to substance use and of potential overdose.

**The 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.

**The lifetime SNAP ban prevents returning individuals from benefiting from SNAP E&T programming.** The SNAP Employment and Training (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 when it takes up the 2023 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.

The RESTORE Act was introduced in the Senate by Senator Cory Booker and Senator Raphael Warnock ([S. 1753](#)) and in the House by Representative Steve Cohen ([H.R. 3479](#)). To cosponsor or learn more about the bill in the Senate, please contact Anna Whitney ([Anna\\_Whitney@booker.senate.gov](mailto:Anna_Whitney@booker.senate.gov)). To cosponsor or learn more about the bill in the House, please contact Reisha Buster ([Reisha.Buster@mail.house.gov](mailto:Reisha.Buster@mail.house.gov)).

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<sup>i</sup> 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>.

<sup>ii</sup> Yang, S.C (2017). Does public assistance reduce recidivism? *American Economic Review*, 107 (5): 551-55. <https://doi.org/10.1257/aer.p20171001>.

<sup>iii</sup> 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>.

<sup>iv</sup> 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. *The New England Journal of Medicine*, 356(2), 157–165. <https://doi.org/10.1056/NEJMsa064115>.