

SNAP BENEFIT RESTRICTIONS ON DRUG OFFENDERS

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How Can SNAP Benefits Better Support the Formerly Incarcerated?

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Abstract

In this paper, I will address the SNAP restrictions for drug offenders in various states. Although the restrictions are federally upheld, many states have opted to adopt their own laws, or abolish the restrictions altogether. The purpose of this paper is to analyze trends of those effected by SNAP benefit restrictions on drug offenders and evaluate future policy solutions. We will begin by discussing the history of the SNAP drug offender ban, beginning in 1996. Next, we will analyze the effects this ban has had on drug offenders, both in the past and present. Finally, we will look at a close case study of Texas and Florida.

Preceding the established background, the paper will include my own solutions to the SNAP ban on drug offenders. These findings are backed by significant research and can be used to provide guidance to future legislators. This paper was presented to the Food Security Scholar Program at Kansas State University in order to facilitate discussion and future change.

1. Introduction

The Supplemental Nutrition Assistance Program (SNAP) provides food assistance for low-income citizens. Despite the intentions of this federally funded program, many individuals are restricted from its use. This ban applies to felony drug convicts, but state legislatures have the power to remove the ban within their jurisdiction. The Food Stamp Act of 1964 established divisions between federal and state governments allowing states to mandate eligibility requirements, certified applications, and handing out food stamps and coupons. On the other hand, federal governments provide funding, approval, broad eligibility requirements, and oversee the states (Child, Clark, 4). Federal mandates banned individuals with felony drug convictions from receiving SNAP benefits, but some states have modified this requirement. As of 2015 for example, Kansas, Maryland, Minnesota, Missouri, and Wisconsin use drug testing as a modification for felony drug convicts (McCarty, Falk, Aussenberg, Carpenter, 11). In order for modifications to be enacted, the state has to pass legislation to extend benefits, which may include limited drug felony bans, temporary disqualification, multiple offender bans, and more (McCarty, Falk, Aussenberg, Carpenter, 11).

When considering the amount of SNAP benefits to be received, states consider the size and income of the household, so this ban can affect the 'SNAP' household and limit benefits to other household members (McCarty, Falk, Aussenberg, Carpenter, 11). The report by McCarty, Falk, Aussenberg, and Carpenter recognizes the inconsistency in applying these restrictions, which may reflect local policy goals. On the other hand, it highlights the confusion this may lead to and the conflict between supporting the needy and providing deterrents.

Cody Tuttle discusses how economic theory purports that restricting SNAP benefits for convicts will encourage individuals to work to provide food for themselves and possibly others. Ex-convicts have different barriers to finding work than the average citizen, so restrictions to SNAP could lead to recidivism regarding financially motivated crimes as a means of survival (Tuttle, 303). Tuttle analyzes the effects on Floridians by comparing the recidivism before and after the cut-off date for drug convicts receiving benefits. Cooper and Donovan also evaluate a specific state by suggesting that Texas can improve access and deter food insecurity by modifying their own ban through the state legislature.

From an encapsulating perspective, Elizabeth Wolkmoir investigates the difficulties of the formerly incarcerated when re-entering society. The formerly incarcerated face a unique set of challenges that must be considered when analyzing how their needs can be met. Wolkmoir believes that the restrictions those reintegrating face make human services even more vital to the success of this community (Wolkmoir, 1). Since an increase of aid is already needed, it is incredibly harmful to take this life saving help away from those convicted of drug crimes. Due to this, Wolkmoir provides solutions for lawmakers to consider, and believes reform must be used to improve the lives of this reintegration.

Overall, the SNAP ban and consequences of limited assistance have created issues noticed by all authors in this review. Although various solutions have been purported, I believe it is clear that some change is certainly necessary. This literature review seeks to evaluate the conversations

regarding the SNAP ban, and form a cohesive idea of possible solutions. Throughout this paper I will provide context for the ban, showcase its harms, and consider various solutions.

2.Bans/Restrictions and Their History

In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act banned felony drug offenders for life from receiving SNAP benefits, which was implicated as lawmakers did not feel violators should have benefits if they cannot respect the law (Tuttle, 304). When PRWORA was first introduced to the House of Representatives, there was no ban for individuals with a felony drug conviction, but was later added through amendments (Child, Clark, 6). On the other hand, lawmakers hoped that a safe space could be created by still allowing access to benefits such as care for pregnant women (Child, Clark, 6). To this day, lawmakers still find confusion between the mentally illness component of drug addiction, and the need to promote their policies for 'law-abiding citizens'.

41 states have since revoked or modified the ban, but some states, including Texas and Florida, have not. Despite this, crime in Texas has gone down since the mid-1990's and drug use has shifted towards marijuana use as opposed to typical conceptions of drugs such as meth and cocaine (Cooper, Donovan, 2). The ban was originally intended to be tough on crime during a developing time in the war on drugs movement, but this seems to have diminished towards broad punishment such as weed convictions.

This ban also correlates with the welfare program Temporary Assistance for Needy Families (TANF), which further restricts the ability of offenders to get back on their feet for food security (Child, Clark, 5). The Quality Housing and Work Reconciliation Act of 1988 expanded restrictions for TANF to crimes not involving drugs, which provided further resistance to support (McCarty, Falk, Aussenberg, Carpenter, 4). This restriction means that further limiting access could be placed upon SNAP, and that restrictive access to TANF can lead people to have a dire need for SNAP benefits.

3.Difficulties of SNAP Bans on the Formerly Incarcerated

Although the ban applies mainly to those with drug convictions, nearly 65% of adults in US prisons suffer from an alcohol or substance use disorder (Abosy, Grossman, Dong, 2022). The high prevalence of injection use amongst offenders also can lead to additional health issues such as HIV (Abosy, Grossman, Dong, 2022). Since the ban only applies to drug offenders after 1996, evaluations can be compared to showcase further harms to this population. Since the late 1990s, nearly 500,000 prisoners have been released yearly (Tuttle, 1). The intention for the ban may have been to prohibit high level drug offenses, but now even minor drug possession crimes are prohibited from receiving the care they may direly need. Cooper and Donovan showcase this effect in Texas by explaining that 1 in 3 of those released in a specific year were completed sentences for only minor drug crimes (Cooper, Donovan, 2).

Many drug convicts are more likely to suffer from harsh conditions prior to being incarcerated, which leaves them in unsafe situations when they return to society. For example, studies have shown that prisoners are three times more likely to suffer from mental illness and have higher

rates of housing instability (Wolkemoir, 2). Additionally, finding work is more difficult for those with a criminal record, and this job insecurity is one of the biggest factors leading to food insecurity (Abosy, Grossman, Dong, 2022). There are also restrictions on employment and public housing for offenders that make it even more difficult to obtain a stable life (Wolkemoir, 4). SNAP also limits those 18 to 50 without children to three months of benefits for any 36 month period when they are unemployed (Wolkemoir, 8). This is difficult for individuals incarcerated under any circumstances, as their job abilities are already limited due to their criminal record. Overall, those banned from receiving SNAP benefits are often to individuals who would be best served by this program as they face a variety of issues not prevalent to the general community.

Often overlooked, the SNAP ban can also affect the families of drug convicts, as benefits are often given to the family as a whole. Research has suggested that SNAP benefits lead to improved health of children and better primary school testing scores (Tuttle, 3). A household may be eligible for benefits, but if a specific individual in the house is not eligible for benefits, then they will not be calculated into the benefits for the entire household (McCarty, Falk, Aussenberg, Carpenter, 14). This means that if one individual in a family of 3 is disqualified, the household will only receive enough money to provide for 2 of the family members. This leads to even more strain on the family as a whole, as it restricts them from adequately providing for their family. Additionally, SNAP laws take into account a “pro rata share” of disqualified members income within a house, but this money is only taken into account for the other household members (McCarty, Falk, Aussenberg, Carpenter, 14). This means that the income received is disproportionate to the true amount of benefits needed.

4. SNAP Ban Effects on Recidivism

Excluding restricted populations from receiving care, can often lead to a cycle of reoffending. Wolkemoir discusses statistics from The U.S. Bureau of Justice Statistics found that 77% of state prisoners released across 30 states were arrested again after 5 years (Wolkemoir, 2). Additionally, the ban is unlikely to reduce drug use as many are unaware of the consequences and the loss of aid will not likely reduce drug use (Child, Clark, 19). Studies have shown that 92% of its participants said a ban on SNAP benefits would not have deterred them from their addiction (Child, Clark, 19). The purpose of the ban may have been to reduce crime, but instead sources have shown that it merely increases recidivism.

5. SNAP Ban Effects on Recidivism in Texas and Florida

Tuttle’s study analyzes the effects of the SNAP ban on drug traffickers in the Florida area. He chooses this group as they are largely involved in illegal markets, which could create harsh barriers that others may not face (Tuttle, 306). Additionally, he calculates whether these crimes were financially motivated or not financially motivated by evaluating the manner of fault, while still maintaining a cut off date of the ban (Tuttle, 308). By utilizing data from the Florida Corrections Center, each prison stay is viewed as unique and calculated recidivism by how many times one enters prison after the first visit (Tuttle, 307). Offenders are included in the data only if 85% of their incarceration was after October 1st 1995, and were released after October 1st 1997 (Tuttle, 308). This criteria ensures that the system change is genuine, and does not include

factors from the system before the SNAP ban. Studies show that 20% of total income for men comes from SNAP benefits, so Tuttle estimates a decrease by 20% for drug offenders after the SNAP ban, which can increase recidivism (Tuttle, 310). Tuttle employs a regression discontinuity design to calculate characteristics and recidivism where it “is equal to one if the offender i at time t ever returns to prison after being released and equal to zero if the offender does not return to prison” (Tuttle, 312).

The results of this study estimate a **58% increase** in recidivism amongst drug traffickers due to the SNAP ban (Tuttle, 315). Despite this, the sample size is relatively small, which makes it difficult to create an accurate estimate of the increase in recidivism as a whole. The lack of income leads to illegal financial motivations, and the study shows that financially motivated recidivism increases by 10% due to the SNAP ban, while there was no visible effect on recidivism due to non-financially motivated crimes (Tuttle, 317). This shows a sharp correlation between the monetary disparities that will affect drug convicts, as opposed to merely taking illegal measures for non-financial means.

Cooper and Donovan also explore studies at a state level by evaluating the effects of the SNAP ban on the population of Texas. To start, drug possession arrests include 58% marijuana, while only 23% includes opium or cocaine (Donovan, Cooper, 1). This shows a shift in trends as marijuana did not used to be as substantial, but their basis for this conclusion does not include any methodology. The use of the Electronic Benefit Transfer for SNAP benefits has decreased trafficking of benefits, which shows less concern should be placed on the trading of SNAP benefits for drug purposes. In 1993 the SNAP benefit trafficking rate was 3.8, but has decreased to 1.0 between 2006 to 2008 (Donovan, Cooper, 2). The authors predict an increase in recidivism in Texas, but unlike Tuttle provide no statistical analysis to reach this conclusion.

6. Solutions: Get Rid of the SNAP Ban

Some authors take a strong stance by concluding that the ban needs to be removed altogether. Although none of the literature suggests that the present circumstances are ideal, some suggest more encompassing solutions than others. Since the ban is still in effect within certain states, Child and Clark suggests the best route is to federally repeal Section 115, which would provide consistency amongst states (Child, Clark, 21). Despite this, the authors recognize the difficulties in enacting federal policy, so states rejecting the ban is in their eyes the second best option (Child, Clark, 22). If this option must be taken, then states should not create modifications, but simply outlaw section 115, as it can increase recidivism within their state (Child, Clark, 22). Although they suggest eliminating the federal ban, the authors also acknowledge the difficulties within that process and suggest states first take action, so that the results can be seen in a timely manner.

Abosy, Grossman, and Dong agree with the conclusion that eliminating the SNAP ban is the most effective solution. They suggest that the SNAP ban cannot support the nutritional needs of individuals, but also suggest other inclusions that go beyond the scope of simply drug offenders. Additional solutions include ending the work requirement, increasing the amount of benefits, removing restrictions on criminal backgrounds, providing training programs for the formerly incarcerated, and criminal justice reform (Abosy, Grossman, Dong). SNAP is currently labeled

as an entitlement grant due to COVID-19, but switching back to block grants is also a large concern. Block grants create a strict budget that cannot be changed due to the changing needs, such as the recent pandemic (Abosy, Grossman, Dong). Overall, Abosy, Grossman, and Dong suggest a ban of SNAP limitations for drug offenders, as well as other solutions for the population as a whole.

When concluding the results of the SNAP ban's effect of recidivism in Florida, Tuttle suggests that his studies can contribute to a larger picture at the federal level. Although not as explicit as Abosy, Grossman, and Dong, he suggests a repeal of the ban, but does not necessarily elaborate on what that level may include (Tuttle, 324). The effects of recidivism suggests that Florida has had to spend an extra 70 million to contribute to those who reenter prison due to financial woes (Tuttle, 324). Despite this, Tuttle ties the restriction into the 27 other states that create havoc for drug offenders (Tuttle, 324). Although Tuttle does not explicitly state his views on a federal ban, his discussion of the different states leads me to conclude his suggestion for the ban falls at the federal level.

7. Localized Solutions to the SNAP Ban

Some of the literature includes solutions that are less extensive than a repeal of the SNAP ban at the federal level. Although all the author's recognize the issues the ban imposes, some propose multiple solutions that may instead be adequate. For example, McCarty, Falk, Aussenberg and Carpenter merely give recommendations for policy maker decisions, as opposed to suggesting tangible solutions. They suggest advising lawmakers to keep in mind that the inconsistencies in SNAP policy may create unintended consequences, which can raise questions of fairness (McCarty, Falk, Aussenberg, Carpenter, 25). Additionally, the authors do slightly touch on eliminating the ban, but do so in a more subtle way than previous authors. Since a majority of states have opted out of the ban, this suggests that lawmakers may need to reconsider the appropriateness of this legislation (McCarty, Falk, Aussenberg, Carpenter, 25). Other considerations are put forth, which they believe are beyond the scope of the paper, such as the War on Drugs implications for the black community as incarceration rates have risen for this population substantially (McCarty, Falk, Aussenberg, Carpenter, 25). Overall, the theme of this literature is to provide various considerations that they believe are at the final hands of federal lawmakers.

Wolkmoir also provides broader solutions, but does so in a more direct manner than the previous authors. Rather than focusing on the drug offender ban, Wolkmoir gives suggestions that can ease the struggles with SNAP for the formerly incarcerated as a whole. To begin, she believes that lawmakers should "ease and expedite access to SNAP benefits," as many released prisoners are at a higher risk for mortality within two weeks of their release (Wolkmoir, 6). Since it can take up to 30 days for SNAP applications to process, Wolkmoir suggests that states allow prisoners to file for SNAP benefits before their release, so that they are secured at the time of their release (Wolkmoir, 6). Despite this, drug offenders who are ineligible for SNAP benefits will see no ease as a result of this. Additionally, it is said that lawmakers should "target meaningful employment and training interventions to the formerly incarcerated who face barriers to employment" (Wolkmoir, 8). SNAP benefits often come with restrictions to the formerly incarcerated, which she suggests should be entirely eliminated (Wolkmoir, 8). Although this

includes eliminating the SNAP ban on drug offenders, it is such a small portion of her argument that plays into a larger picture. Her final solutions include assisting with parole requirements and using new data studies for review.

Although Wolkmoir takes on an approach to support all formerly incarcerated in regards to SNAP, Cooper and Donovan evaluate a far more narrow approach in their analysis of the SNAP ban on Texas. Their three solutions include eliminating the SNAP ban in Texas, modifying the ban so that those who receive drug treatment can have access, and allowing those who have gone one year without repeat drug judicial concerns access to SNAP benefits. The first solution allows just the portion of drug offenders in Texas additional access, while other crimes would still be penalized from participation. The second solution ensures that drug offenders are on a road to recovery, but treatment services are not widely available in every region equally (Cooper, Donovan, 4). Finally, the third solution has some downfalls in that it does not provide benefits when they are most dire, and could increase the complexity of determination for state workers (Cooper, Donovan, 4).

8. Conclusion

In the end, all the literature in this review expresses doubts about the success of the current system of SNAP. For example, Cooper and Donovan show that the ban's intention to limit serious drug use has merely created a society where those convicted of even possessing weed can have their benefits withheld, which may lead to more serious crimes for monetary survival. Tuttle also agrees that the ban can increase recidivism and his studies within Florida can provide a basis for this conclusion. Child and Clark discuss how this might increase recidivism as well. When released and excluded from aid, recidivism rises for crimes committed for financial means. Additionally, it has been shown that the SNAP ban will not reduce drug use as studies show many are unaware of the ban itself. Abosy, Grossman, and Dong show that the increased difficulty in finding work for the formerly incarcerated is a large cause leading to food insecurity. Wolkmoir agrees that the increased difficulty to thrive within society creates a dire need for extra support.

The author's suggested solutions all suit their specific research, but can also play off of each other in order to form a better understanding of how to improve the SNAP system. Cooper and Donovan purpose a ban but solely in Texas. On the other hand, Child and Clark believe that state repeals of the SNAP ban are merely a second best option to eliminating the ban at a federal level. Tuttle, who studied the bans' effects in Florida, also concluded that a SNAP ban is needed, but does not directly state which level is better suited. Abosy, Grossman, and Dong agree that a federal ban is needed, but also suggest other conceptions that could even further influence the positivity of SNAP. Wolkmoir plays off of this as she also gives many solutions that will support the formerly incarcerated as a whole, and not limit explanations to apply to only drug offenders. Finally, McCarty, Falk, Aussenberg, and Carpenter agree that many factors can influence the consequences of the ban, but do not state the best solution, rather they leave considerations up for lawmakers review.

In my opinion, the literature mentioned has made concise points that have allowed me to formulate my own perception of the best suited solution. The only way to truly ensure all drug

convicts are able to reduce harms, have support, and maintain food security is to repeal the SNAP ban at a federal level. Although convincing states to take action to repeal the SNAP ban may increase the aspects previously mentioned for drug offenders, it does not solve the overarching issues affecting those in other states. Additionally, the SNAP ban sheds light on other issues that the formerly incarcerated may face, which I believe needs to be further studied to create the most meaningful solutions. Although I do not have the answers to solve food security for every reintegrated citizen, I believe the first steps include repeal of the federal SNAP ban and continued research into the hardships incarcerated may face to create future legislation best suited for society.

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