

Drug Felony Ban on TANF/SNAP Eligibility

Citations:

- [Public Law 104-193](#) Section 115, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PL 104- 193)

Background: Section 115 of Public Law 104-193, *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (the welfare law), prohibits anyone convicted of a drug-related felony from receiving either federally-funded cash assistance through the Temporary Assistance to Needy Families (TANF) program or food stamps (SNAP). Although states may opt-out of or modify the ban, the law creates a lifetime ban for individuals with these types of convictions, many of whom were in a period of active addiction when they obtained their drug felony conviction(s). Seventy-four percent of states have retained some version of the TANF drug felony ban. The drug felony ban on food stamps continues to apply in seventy percent of states.

Scope of the Problem: When individuals with drug convictions are denied food stamps and cash benefits, establishing economic stability upon reentry becomes more difficult, and it becomes more likely that they may return to criminal activity and drug use instead of maintaining sobriety and obtaining gainful employment. Many individuals with criminal records have difficulty finding work, either because they lack the skills and education to qualify for a job, or because employers have policies against hiring individuals with criminal convictions. The unemployment rate for people with criminal records could be as high as 60 percent. By helping individuals to lead more stable lives, public assistance and food stamps can help improve reentry outcomes and have a positive effect on public safety. TANF and food stamps are also an important source of funding for room and board for people participating in residential addiction treatment and other programs.

Potential Administrative Remedies:

- The Departments of Health and Human Services and Agriculture should publish guidance encouraging states to opt-out of the provision or to modify the ban so that it does not apply to individuals convicted of simple possession and individuals who are participating in or who have completed addiction treatment, and so that the duration of the ban is limited.
- The Departments of Health and Human Services and Agriculture should publish guidance informing state policy-makers about the different ways the ban can be modified and about their discretion to completely opt-out of or modify the ban.

Potential Legislative Remedies:

- The Administration should encourage Congress to repeal section 115 of Public Law 104-193 or to modify the ban in that section so that it does not apply to individuals convicted of simple possession and to those who are participating in or who have completed drug treatment and so that the duration of the ban is limited.