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Testimony Regarding HB 2215

Submitted by Josh Gaines, Project Manager, Economic Mobility, The Council of State Governments Justice Center

Thank you to the committee and the chair for the opportunity to address HB 2215, a bill that would eliminate restrictions on access to federally funded food assistance for Kansans who have been previously convicted of a felony drug offense.

This bill was developed and approved by the Kansas Criminal Justice Reform Commission as part of its work to increase public safety and reduce spending by improving supervision and expanding second chance opportunities. The bill originated in the Commission's Reentry Subcommittee where I had the pleasure of informing state policymakers and stakeholders as they developed proven cost-effective strategies to improve reentry outcomes.

Some background on food assistance benefits:

- The federal Supplemental Nutrition Assistance Program (SNAP) provided food benefits—sometimes referred to as “food stamps”—to over 200,000 food-insecure Kansans in the 2021 fiscal year.
- SNAP benefits are distinct from cash benefits administered under other federal programs. SNAP benefits can only be used for food.
- SNAP benefits are federally funded but administered by the state subject to certain federal requirements.
- SNAP benefits are distributed on a per household basis. If one household member is ineligible, the entire household receives reduced benefits.

Since 1996, federal law has permanently prevented anyone with a state or federal felony drug conviction—even a simple possession conviction—from receiving SNAP benefits unless the state administering the benefits chooses to opt out of the ban. Since then, every state but one has exercised the option to opt out of the ban either in whole or in part (by imposing time limits or conditions on eligibility, for example).

Although Kansas is among the 18 states that have partially opted out of the full federal ban, the modified ban implemented in its place is among the strictest in the country. Per state law, a person is permanently ineligible for SNAP benefits after their first felony drug offense unless

they complete a state-approved drug treatment program and pass drug tests in accordance with the plan—neither of which is paid for by the state—or it is determined that treatment is not necessary based on formal screening. A second felony drug offense results in a permanent lifetime ban on eligibility.

HB 2215 would remove those restrictions, placing Kansas in the company of the 31 states (including Oklahoma, Arkansas, Mississippi, Wyoming, Iowa) that have already fully opted out of the federal ban and ensured that all food-insecure households and residents have equal access to essential benefits regardless of prior drug history.

The benefits of fully opting out of the ban would be felt not only by people in need of food assistance but by the state as a whole in the form of increased public safety and decreased public spending. Research shows that people reentering the community after incarceration are more likely to be food insecure, resulting in high-risk behavior like drug use and criminal behavior to meet basic needs.¹ SNAP benefits provide the support people need to successfully reenter the community and have been shown to reduce recidivism.² And although SNAP benefits are funded entirely by federal dollars, the state of Kansas bears the full cost of administering the resource-intensive drug treatment and testing requirements imposed by current law. Increasing access would save the state money by lessening the administrative burden.

The bill would also correct some of the direct harms and injustices that have long resulted from the current restrictions and that were consistently acknowledged by policymakers, agency officials, and other stakeholders during the Reentry Subcommittee's work. No longer would two felony marijuana offenses permanently deprive Kansans of essential food benefits or subject the family with which they reside—including children—to reduced benefits. And no longer would the fact that a person suffering from addiction cannot afford to participate in an approved treatment program render them ineligible for the very aid that can be critical to achieving recovery.

As states across the country have recognized and as stakeholders across Kansas have reflected, expanding access to food just makes sense, particularly in these uncertain times. It puts people in a better position to succeed; allows them to focus on aspirations beyond satisfying their immediate fundamental needs; and contributes to the health, stability, and safety of families and communities. People who have been through the criminal justice system, especially those who have battled addiction, are among the most likely to need and directly benefit from food

¹ Emily Wang et al., "A pilot study examining food insecurity and HIV risk behaviors among individuals recently released from prison," *AIDS Education and Prevention* 25, no. 2 (2013): 112–123; Marc Mauer and Virginia McCalmont, *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits* (Washington, DC: The Sentencing Project, 2015).

² Crystal Yang, *Does Public Assistance Reduce Recidivism?* (Cambridge, MA: Harvard Law School, 2017), http://www.law.harvard.edu/programs/olin_center/papers/pdf/Yang_920.pdf; Cody Tuttle, "Snapping Back: Food Stamp Bans and Criminal Recidivism," *American Economic Journal: Economic Policy* 11, no. 2 (2019): 301–327, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2845435.

assistance. Eliminating barriers to that assistance would significantly increase their chances of success and, in doing so, contribute to stronger communities and a stronger state.

Thank you for the opportunity to address these important issues. I hope the committee will favorably consider HB 2215 and its many benefits.

Sincerely,
Josh Gaines