

POSITION STATEMENT:

Pass the RESTORE Act (Re-Entry Support Through Opportunities for Resources and Essentials Act)

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SUMMARY STATEMENT:

The Society of Behavioral Medicine supports legislation that would repeal the lifetime ban on receiving Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) benefits for individuals convicted of a drug felony.



THE PROBLEM

Under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), current federal policy mandates a lifetime ban for individuals with a past felony drug conviction from receiving SNAP and TANF benefits. Nearly half of all prisoners incarcerated in federal correctional facilities were convicted of drug-related crimes^[1], and thus are prohibited from accessing SNAP and TANF upon release. This is particularly concerning given that formerly incarcerated individuals are more than twice as likely to experience food insecurity^[2].

This outdated federal policy disproportionately affects marginalized populations. Black and Hispanic individuals have a higher representation in the US prison population^[3,4] and withholding nutritional and financial assistance from these individuals is a discriminatory practice that perpetuates existing structural racial inequities. Providing access to SNAP and TANF benefits to all income-eligible individuals will begin to address the generational health disparities experienced by marginalized families in the United States.

This policy also has horrific consequences for already vulnerable populations. For example, over 60% of the incarcerated US population is diagnosed with substance use disorder^[5,6], and food insecurity and financial stress can interfere with addiction recovery^[7-10]. Children are also suffering from the consequences of the SNAP and TANF bans. More than half of parents incarcerated in state penitentiaries throughout the 2000s were jailed due to drug-related charges^[11] and the average age of a child affected by incarceration is 9 years old^[12]. This means that young families are left to navigate food access and hunger without access to nutritional and financial support. Without

sufficient nutrition, children may experience delayed physical and cognitive development, display behavioral problems, and be at risk for life-long chronic illnesses^[13].

SNAP and TANF were designed to be open and accessible to all income-eligible individuals, including those recently released from prison^[14]. Denying nutritional and financial assistance to individuals with a past felony conviction will continue to widen existing structural health inequities. Furthermore, denying SNAP and TANF benefits will undoubtedly set back individuals' successful re-entry into society and contribute to recidivism and poorer health outcomes among individuals and their families^[7-10, 13-15].

CURRENT POLICY

A lifetime ban for individuals with a past felony drug conviction from receiving SNAP and TANF has been imposed since the passage of the PRWORA Act in 1996. Although there is a provision that enables states to opt-out, only 22 states have fully opted out and 26 states have modified the policy to expand SNAP and TANF access under certain circumstances (e.g., following successful completion of drug education or treatment programs). U.S. Sens. Cory Booker and Raphael Warnock, along with U.S. Rep. Steve Cohen, recently introduced the RESTORE (Re-Entry Support Through Opportunities for Resources and Essentials) Act. This important legislation would end the lifetime ban on SNAP and TANF for all individuals

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convicted of a drug felony. Moreover, the RESTORE Act would eliminate the ability for states to impose conditions on eligibility for SNAP based on an individual having a past felony drug-related conviction.

RECOMMENDATIONS

Recommendation #1: Federal legislators must support passage of the RESTORE Act, which would repeal the lifetime ban on individuals convicted of a drug felony from accessing SNAP and TANF.

Recommendation #2: Until the RESTORE Act is passed, officials in individual states should fully opt out of the SNAP and TANF ban by imposing no conditions on eligibility for these benefits for income-eligible individuals with a past felony drug conviction.

REFERENCES

- 1 National Center for Drug Abuse Statistics. Drug Related Crime Statistics. Available from: <https://drugabusestatistics.org/drug-related-crime-statistics/>
- 2 Landon, J. and A. Jones. Food Insecurity is Rising, and Incarceration Puts Families at Risk. Prison Policy Initiative 2021; Available from: <https://www.prisonpolicy.org/blog/2021/02/10/food-insecurity/>.
- 3 Mauer, M. and R.S. King. Uneven justice: State rates of incarceration by race and ethnicity. 2007.
- 4 Vogel, M. and L.C. Porter, Toward a demographic understanding of incarceration disparities: Race, ethnicity, and age structure. *Journal of quantitative criminology*, 2016. 32: p. 515-530.
- 5 Bronson, J., et al., Drug use, dependence, and abuse among state prisoners and jail inmates, 2007–2009. Washington, DC: United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 2017.
- 6 NIDA. Criminal Justice DrugFacts. National Institute on Drug Abuse website 2020; Available from: <https://nida.nih.gov/publications/drugfacts/criminal-justice>.
- 7 Bergmans, R.S., et al., Cross-sectional associations of food insecurity with smoking cigarettes and heavy alcohol use in a population-based sample of adults. *Drug and Alcohol Dependence*, 2019. 205: p. 107646.
- 8 Whittle, H.J., et al., Longitudinal associations between food insecurity and substance use in a cohort of women with or at risk for HIV in the United States. *Addiction*, 2019. 114(1): p. 127-136.
- 9 Jeynes, K.D. and E.L. Gibson, The importance of nutrition in aiding recovery from substance use disorders: A review. *Drug and Alcohol Dependence*, 2017. 179: p. 229-239.
- 10 Institute, S.J. Understanding the Relationship between Poverty and Addiction. 2018; Available from: <https://stjosephinstitute.com/understanding-the-relationship-between-poverty-and-addiction/>.
- 11 Maruschak, L.M., J. Bronson, and M. Alper, Parents in prison and their minor children: Survey of prison inmates, 2016. US Department of Justice. Published March. <https://bjs.ojp.gov/library/publications/parents-prison-and-their-minor-children-survey-prison-inmates-2016>, 2021.
- 12 Glaze, L.E. and L.M. Maruschak Parents in Prison and their Minor Children. Bureau of Justice Statistics Special Report, 2010.
- 13 Thompson, D. and A. Burnside, No more double punishments: Lifting the ban on SNAP and TANF for people with prior felony drug convictions. CLASP. <https://www.clasp.org>.
- 14 Paresky, M.L., Changing welfare as we know it, again: Reforming the welfare reform act to provide all drug felons access to food stamps. *BCL Rev.*, 2017. 58: p. 1659.
- 15 Beek, G.v., V. de Vogel, and D.V.d. Mheen, Financial Problems and Debt as Predictive Factors for Recidivism. *Criminal Justice and Behavior*, 2023: p. 00938548231177708.

ENDORSEMENTS

