

February 1, 2019

The Honorable Sam C. Mims, V, Chairman  
Public Health and Human Services Committee  
Mississippi House of Representatives  
Jackson, Mississippi 39215

**Re: Combined Letter of Support for H.B. 1360 (Dortch)**

Dear Chairman Mims,

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act, which disqualified individuals convicted of a state or federal drug felony from receiving Supplemental Nutrition Assistance Program (SNAP, formerly called food stamps) and Temporary Assistance for Needy Families (TANF) **for life—unless their state legislature opts out.**<sup>i</sup> The undersigned organizations write to express our strong support for **H.B. 1360**, legislation introduced by Representative Jarvis Dortch to address the ban in Mississippi, and respectfully urge passage by the House Public Health and Human Services Committee.

**Today, only Mississippi and two other states (West Virginia and South Carolina) continue to operate under the federal SNAP/TANF drug felony ban.** Forty-seven state legislatures, including all of our Deep South neighbors, have opted out or limited the scope of the ban.

**Fully lifting the lifetime SNAP/TANF drug felony ban will have minimal state costs and decrease administrative burdens on the Mississippi Department of Human Services.** SNAP benefits are 100 percent federally funded. The Mississippi Department of Human Services must currently screen all SNAP and TANF applicants for former drug felony convictions, a significant administrative burden.

**Emerging evidence suggests that fully lifting the SNAP/TANF drug felony ban greatly reduces the risk of recidivism for newly released individuals with drug felony convictions.**<sup>ii</sup> Many individuals reentering society after incarceration struggle with hunger, food insecurity (the absence of access at all times to enough food for a healthy and active life), and economic instability—significant risk factors for recidivism.<sup>iii</sup> SNAP and TANF ease these significant and often insurmountable barriers to reentry by providing modest food assistance—about \$1.30 per person, per meal<sup>iv</sup>—and economic assistance that help struggling individuals afford groceries and other basic necessities.

**SNAP and TANF also support work, addressing barriers to employment after incarceration.** SNAP and TANF provide employment and job-readiness training which aid in securing and maintaining stable employment and achieving self-sufficiency. In addition, both SNAP and TANF contain work requirements that working-age adults must comply with to remain eligible.

**The federal SNAP/TANF drug felony ban directly undercuts efforts to end the opioid epidemic by heightening barriers to recovery, including hunger and economic instability.**

Many individuals with drug felonies were convicted for possession of controlled substances or other offenses resulting from substance use disorders, before drug courts and other diversionary programs existed. The ban is antithetical to the key mission of these programs to support successful reentry and recovery from substance use disorders.

**Women and children suffer the ban's most severe harms.** Women—especially single mothers—are significantly more likely than men to participate in SNAP or TANF during their lifetimes but are also more likely to receive a drug felony conviction, disqualifying them from critical food and economic assistance and employment supports.<sup>v</sup> By denying otherwise eligible parents SNAP and TANF, the federal drug felony ban significantly reduces total household food and economic assistance below intended per-person levels, punishing entire families with material hardships including food insecurity and hunger. These conditions—which impair children's physical and mental health, cognitive development, ability to learn, and future economic success—can prevent family reunification after incarceration, cost-burdening Mississippi's foster care system.

The undersigned individuals and organizations respectfully ask for your leadership in ending the federal SNAP/TANF drug felony ban in Mississippi by ensuring the speedy consideration and passage of H.B. 1360 by the House Public Health and Human Services Committee. If you have any questions or would like to discuss this further, please contact Madeline Morcelle, Staff Attorney at the Mississippi Center for Justice (MCJ), at [mmorcelle@mscenterforjustice.org](mailto:mmorcelle@mscenterforjustice.org), and Kathryn Rehner, Policy Associate at MCJ, at [krehner@mscenterforjustice.org](mailto:krehner@mscenterforjustice.org).

Sincerely,

2nd Chance MS  
Feeding the Gulf Coast  
Crossroads Ministries  
Cooperative Baptist Fellowship  
Mississippi Center for Justice  
Mississippi Coalition Against Domestic Violence  
Mississippi Food Network  
Mississippi Human Services Coalition  
Mississippi Low-Income Child Care Initiative  
Office of State Public Defender  
Partnership for a Healthy Mississippi  
Planned Parenthood Southeast  
Sisters in Birth  
Sustainable Equity, LLC  
The Good Samaritan Center  
The Honorable Kathy Sykes

Cc: The Honorable Chris Johnson  
The Honorable Shane Aguirre

The Honorable Nick Bain  
The Honorable Christopher M. Bell  
The Honorable C. Scott Bounds  
The Honorable Chris Brown  
The Honorable Cedric Burnett  
The Honorable Bryant W. Clark  
The Honorable Deborah Butler Dixon  
The Honorable Jarvis Dortch  
The Honorable Dan Eubanks  
The Honorable Debra Gibbs  
The Honorable Jeffrey S. Guice  
The Honorable Joey Hood  
The Honorable Mac Huddleston  
The Honorable Missy McGee  
The Honorable Doug McLeod  
The Honorable Nolan Mettetal  
The Honorable Tom Miles  
The Honorable Orlando Paden  
The Honorable Brent Powell  
The Honorable Noah Sanford  
The Honorable Donnie Scoggin  
The Honorable Omeria Scott  
The Honorable Fred Shanks  
The Honorable Kathy Sykes  
The Honorable Percy W. Watson  
The Honorable Jason White

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<sup>i</sup> 21 U.S.C.A. § 862a (1996) (specifically disqualifying individuals convicted of a state or federal felony involving the “possession, use or distribution of a controlled substance” after August 22, 1996 and providing an option for state legislatures to opt out).

<sup>ii</sup> Crystal S. Lang, *Does Public Assistance Reduce Recidivism?* 107(5) AM. ECON. REV. (2017), available at [http://www.law.harvard.edu/programs/olin\\_center/papers/pdf/Yang\\_920.pdf](http://www.law.harvard.edu/programs/olin_center/papers/pdf/Yang_920.pdf) (Fully lifting the SNAP ban reduced the likelihood that newly released individuals with drug felonies will return to prison within a year by 2.2 percentage points relative to ex-nondrug offenders—a 13.1 percent decrease from the drug offender mean. Restoring TANF eligibility decreased recidivism by 1.7 percentage points compared to those with nondrug felonies—a 10.1 percent decrease from the drug offender mean).

<sup>iii</sup> See, e.g., Emily Wang et. al, *A Pilot Study Examining Food Insecurity and HIV Risk Behaviors Among Individuals Recently Released from Prison*, 25(2) AIDS EDUC. PREV. 112–123 (2013) (finding that 91 percent of individuals recently released from prison reported food insecurity and 37 percent reported not having eaten enough for an entire day because they lacked sufficient money).

<sup>iv</sup> See *State-Level Monthly Data: Persons, Households, Benefits, and Average Monthly Benefit Per Person & Household*, U.S. DEPT. OF AGRICULTURE FOOD & NUTRITION SERV. (Sept. 2018), available at <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap> (between 2017 and 2018, the average monthly SNAP benefit in Mississippi was \$112—equivalent to about \$1.30 per meal).

<sup>v</sup> Marc Mauer & Virginia McCalmont, *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits*, The Sentencing Project 1–10, 5 (2015).