

DCF LEGISLATIVE TESTIMONY



January 26, 2022

TESTIMONY OF
Department for Children and Families

TESTIMONY ON
House Bill 2215

Chair

Representative Owens

Vice Chair

Representative Smith

Ranking Minority Member

Representative Highberger

and

Members of the Committee

SUMMARY OF ISSUE & DCF POSITION

House Bill 2215 proposes changes to the statutes that regulate the state's Food Assistance program. DCF is providing this written neutral testimony to provide information regarding the administration of the Food Assistance program and this specific state option for the program.

DCF manages the Food Assistance also known as the Supplemental Assistance Nutrition Program (SNAP). This program provides benefits to supplement or subsidy food purchases for low income individuals and families. The value of the benefits is funded and issued through USDA federal funding. The program is highly regulated by federal law and regulations with some options available for state. SNAP's statutes, regulations, and waivers provide state agencies with various policy options that enable state agencies to adapt their programs to meet the unique need of their state.

One state option concerns the eligibility of individuals that have been convicted of a drug related felony. HB 2215 is proposing DCF elect the option where an individuals' felony drug conviction does not affect their ability to receive food assistance.

CONTEXT & HISTORY

Federal law permanently disqualifies individuals from SNAP who are convicted of a Federal or State felony offense involving the possession, use, or distribution of a controlled substance after August 22, 1996. However, Federal law allows State legislatures to modify the disqualification to impose a less severe restriction or opt out of the disqualification entirely.

The current state statute requires an individual (who is convicted of a felony offense occurring on or after July 1, 2015, which includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog) be ineligible to receive food assistance benefits until the individual participates in an approved drug treatment program. If there is a second drug related felony offense, then the individual is permanently disqualified. There are no funds available through the SNAP program to pay for treatment and testing. The individual would be responsible for payment.

This proposed legislation calls for the state option to remove the prohibition on persons convicted of a felony drug offense from being able to receive Food Assistance. This bill would direct Kansas to opt out of a Food Assistance disqualification entirely.

EFFECT OF LEGISLATION

The number of cases indicating a drug related felony averages 33 a month the last three years.

FISCAL IMPACT OF LEGISLATION

The fiscal note indicates there will be no cost associated to state general funds.

DCF thanks you for the opportunity to submit this information regarding the options available to the food assistance program's policies as related to drug related felonies.