

**Health and Human Services Committee**

**LB402**

**February 7, 2019**

**Matthew T. Wallen, Director**  
**Division of Children and Family Services**  
**Department of Health and Human Services**

Good afternoon, Chairperson Howard and members of the Health and Human Services Committee. My name is Matt Wallen (M-A-T-T-W-A-L-L-E-N) and I am the Director of the Division of Children and Family Services in the Department of Health and Human Services (DHHS).

I am here to testify in opposition to LB402, which would amend state statutes by removing restrictions preventing persons with drug convictions involving the sale, use, possession, or distribution of a controlled substance from receiving SNAP benefits.

Currently, Nebraska law allows a person with one or two felony convictions involving use or possession of drugs to qualify for SNAP benefits upon completion of drug treatment after the conviction date. Any person with three or more drug felony convictions or with any drug felony conviction involving sale or distribution are permanently disqualified from receiving SNAP benefits. Under the LB402, the state would opt out of the provisions set forth by the federal Personal Responsibility and Work Opportunity Act (PRWORA) and allow all drug felons to be SNAP eligible as long as they meet other eligibility requirements.

In the last two years, DHHS has denied or closed an average of 658 SNAP participants related to drug felonies. Internal data shows that 75%, or 494 of ineligible members, are part of an existing household receiving SNAP. While LB402 would allow more drug felons to qualify for SNAP, many would be added to households currently receiving benefits, thus increasing the monthly allotments already being issued.

DHHS supports citizens striving to overcome substance abuse and we believe the current statute strikes the right balance of ensuring program integrity, while giving those with substance abuse convictions a second chance by requiring substance abuse treatment. Contrary to our position, LB402 removes requirements to complete substance abuse treatment programs for first and second time felony convictions of drug possession or use. Essentially, LB402 would remove helpful pathways from addiction to recovery by eliminating this provision in current law. As a State agency, we have a duty to properly steward the tax dollars earned by the hard work of our neighbors. The Department cannot support a bill with the potential consequence of using those dollars to support others who choose to sell and distribute narcotics to the children and families in the communities we serve.

I'm happy to answer any questions you may have.