

# Benefits for New Jersey Residents with Drug Convictions

## Frequently Asked Questions

Getting needed social services and support can be particularly challenging for people with drug convictions. A number of federal and state laws make these individuals ineligible for certain types of assistance or place significant barriers in the way of getting assistance. These laws make it difficult for those who need help to reintegrate into their communities, access social services and rebuild their lives. This factsheet answers common questions about eligibility for three of the most helpful social support programs: Food Stamps/SNAP, Cash Assistance/GA and Medicaid.

### **Can People With Drug Convictions Get Food Stamps/SNAP?**

**Yes.** Previously known as Food Stamps, the Supplemental Nutrition Assistance Program (SNAP) is a federal program that provides nutritional assistance to low-income individuals and families. In 1996, the federal government created a restriction denying nutritional assistance to anyone convicted of a federal or state drug possession or distribution felony. The federal government allows states to opt out of or modify the restriction.<sup>i</sup>

Fortunately, New Jersey opted out of the restriction on Food Stamps/SNAP for those with drug convictions.<sup>ii</sup> Thus, people with drug convictions, whether for possession or distribution, are eligible for SNAP as long as they meet the program's other eligibility requirements.

### **Can People With Children get Cash Assistance/TANF If They Have Drug Convictions?**

**Yes.** WorkFirst New Jersey provides temporary cash assistance to eligible families through the Temporary Assistance for Needy Families (TANF) program. TANF provides federal money to states in the form of block grants. Federal restrictions deny cash assistance to anyone convicted of a federal or state felony involving the possession, use, or distribution of drugs. The federal government allows states to opt out of or modify the restriction.<sup>iii</sup>

Fortunately, New Jersey has opted out of the restriction on TANF benefits. Thus, families headed by individuals who have drug convictions for possession, use or distribution are eligible for TANF benefits.<sup>iv</sup>

### **Can Single People Without Children get Cash Assistance/GA If They Have Drug Convictions?**

**Yes, if the convictions were for possession or use of drugs and they enroll in and complete a licensed residential drug treatment program.** WorkFirst New Jersey provides temporary cash assistance to single people and childless couples through the General Assistance (GA) program.<sup>v</sup> GA is funded entirely by state dollars.

New Jersey state law denies GA to people with convictions for offenses involving possession or use of drugs unless they enroll in and complete a licensed residential drug treatment program. Thus, single people without children can reestablish their eligibility for GA if they enroll in a licensed residential drug treatment and undergo drug testing while in the program and for a 60-day period after completion. A failed drug test while in treatment or during the 60-day period directly following will terminate eligibility. People wishing to reestablish their eligibility for GA in this way must supply proof of treatment from the program. Participating in or completing any other type of drug program, including methadone or Intensive Outpatient (IOP), does not reestablish eligibility for GA.<sup>vi</sup>

**No, if the convictions were for drug distribution.** New Jersey State law denies GA to single people without children if they have been convicted of any drug distribution offenses.<sup>vii</sup> (over)

### **Can People With Drug Convictions Get Medicaid?**

**Yes, as of January 1, 2014.** Prior to January 1, 2014 individuals had to be eligible for WorkFirst New Jersey/GA in order to qualify for Medicaid. This requirement created a bar to Medicaid for many individuals with drug convictions because New Jersey State law disqualified them from WorkFirst New Jersey/GA.

The federal *Affordable Care Act* (ACA) will change this beginning January 1, 2014. Under the ACA, WorkFirst New Jersey/GA will be “delinked” from Medicaid. Since Medicaid is a federal program with no bar for past drug convictions, individuals with any type of past drug conviction will be eligible for Medicaid as long as they meet Medicaid’s other eligibility requirements.<sup>viii</sup>

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<sup>i</sup> 21U.S.C. s. 862a(a) and (b).

<sup>ii</sup> NJS 44:10-48(d)(1): “Pursuant to the authorization provided to the states under 21 U.S.C. s.862a(d)(1), this State elects to exempt from the application of 21U.S.C. s. 862a(a): (1) needy persons and their dependent children domiciled in New Jersey for the purposes of receiving benefits under the WorkFirst New Jersey program and food assistance under the federal “Food and Nutrition Act of 2008,” Pub.L.110-234 (7U.S.C. s.2011 et seq.); and (2) single persons and married couples without dependent children domiciled in New Jersey for the purposes of receiving food assistance under Pub.L.110-234.”

<sup>iii</sup> 21U.S.C. s. 862a(a) and (b).

<sup>iv</sup> NJS 44:10-48(d)(1).

<sup>v</sup> N.J.S.A. Title 44, Chapters 8 and 10.

<sup>vi</sup> NJS 44:10-48(b)(7); NJAC 10:90-18.6; NJ ADC 10:90-2.8.

<sup>vii</sup> NJS 44:10-48(b)(7); NJAC 10:90-18.6; NJ ADC 10:90-2.8.

<sup>viii</sup> New Jersey Department of Human Services, Division of Medical Assistance and Health Services correspondence.