

Vote NO on HB 3

Expensive, failed, and illegal policies: HB 3 threatens Kentucky's poorest families



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Dear House Member,

Other organizations have articulated the ways in which [HB 3 fails to deliver](#) on the shared goal of using programs like SNAP, TANF,¹ and Medicaid to alleviate immediate suffering and eventually lift Kentuckians out of poverty.²

I want to describe for you the ways in which the provisions of HB 3 are illegal:

- Section 2 contemplates requiring SNAP recipients to participate in a “workfare” program if they are between the ages of 19-64. Federal regulations prohibit workfare requirements on people older than 59. 7 CFR 273.7(b)(1)(i).
- Section 5 would require drug testing for certain recipients of SNAP, TANF, and Medicaid. The 11th Circuit struck down a similar provision requiring drug testing for SNAP recipients in Florida as an unconstitutional search and seizure. Besides being [costly, ineffective, and counterproductive](#) to bipartisan efforts at reentry reform, Section 5’s drug testing provision is likely both unconstitutional and noncompliant with federal laws governing Medicaid and SNAP.
- In practice, requiring SNAP recipients to use photo IDs will require vendors to check photo IDs of *all* its customers. Failing to do so would put the vendor at risk of an enforcement action for treating SNAP recipients differently from its other customers.
- Enshrining the provisions of KY HEALTH into law does not solve the legal problems with the program that caused a federal judge to strike down CMS’s approval of the changes that Governor Bevin seeks to make to Kentucky’s Medicaid program. Section 3 would be subject to legal challenge with likely the same result.

¹ TANF is short for “[Temporary Assistance for Needy Families](#),” a federal program to assist families with children when the parents or responsible relatives cannot provide for the family’s basic needs. “SNAP” stands for “Supplemental Nutrition Assistance Program” and provides about \$122/month for Kentucky’s poorest people to buy food.

² A link to a .pdf version of this letter is available at kyequaljustice.org/blog/housebill3. You can go there to access the hyperlinks to additional materials referenced in this letter.

While some of the bill's illegal provisions can be fixed with a simple age limit adjustment, most are fundamentally flawed. And, the presence of age limit requirements that do not conform with basic federal requirements suggests a lack of due diligence in the other sections of the bill, as well.

Together, we can use our social safety net programs to achieve everyone's shared goals of alleviating and eliminating poverty in Kentucky. The provisions in HB 3 would needlessly harm the already fragile finances and health of Kentucky's poorest people while failing to implement programs that actually help people escape poverty.

KEJC knows about what works in anti-poverty programs: in 1998, KEJC's advocacy helped preserve access to post-secondary education for TANF parents through the successful "[Ready-to-Work](#)" program.

We can look to the experience of other states and to successful programs here in Kentucky like "Ready-to-Work" and build on those successes. The reforms proposed in HB 3 are not on the menu of programs that work and many of the provisions are so poisoned that courts have declared them illegal.

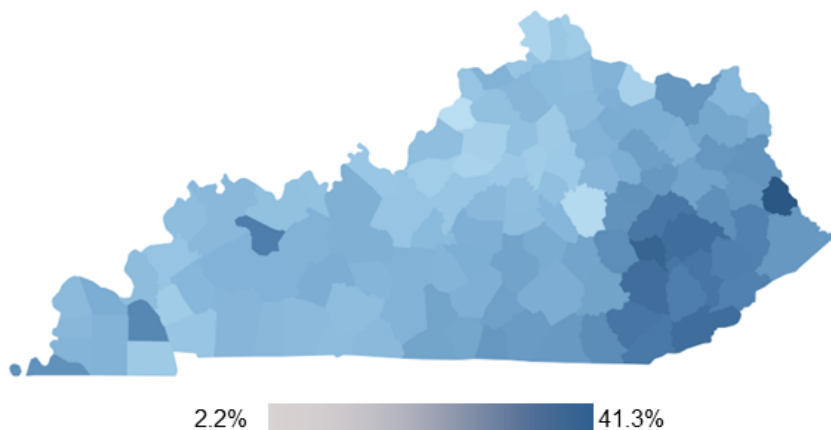
Sincerely,



Ben Carter
Senior Litigation and Advocacy Counsel

SNAP Helps Kentuckians Put Food on the Table

Percent of total county population participating in SNAP in 2018



Source: Data from the Cabinet for Health and Family Services.