THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2417

JAN 21 2026

A BILL FOR AN ACT

RELATING TO THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that food security is an essential part of financial stability. To strengthen the financial security of formerly incarcerated individuals, the United States Department of Agriculture established a prisoner pre-release supplemental nutrition assistance program (SNAP) administrative waiver, which allows states to process SNAP applications and conduct eligibility interviews for individuals who are about to be released from prison or jail. The purpose of the waiver is to reduce recidivism by strengthening food security for individuals reentering the community after correctional confinement. To date, thirteen states have received a waiver to accept pre-release SNAP applications, according to the United States Department of Agriculture's Food and Nutrition Service.

The legislature further finds that federal law permanently disqualifies household members 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 opt out of the disqualification or modify the disqualification to impose a less severe restriction. Hawaii state law currently allows only individuals convicted of a felony offense involving the possession, use, or distribution of a controlled substance who have successfully completed or are complying with a treatment program to receive SNAP benefits, which restricts access to basic food assistance based on the availability of drug rehabilitation programs. Twenty-eight states and the District of Columbia have opted out of this requirement entirely and impose no SNAP disqualification related to controlled substances offenses.

The legislature also finds that the department of human services is in the process of updating its benefits eligibility solution to automate tasks that are currently performed manually and expand the department's capacity to address the needs of benefit program recipients. During the regular session of 2025, the department indicated a preference for accounting for the upgrade timeline in public policy changes impacting social services so that department officials have time to plan for the implementation of changes.

The purpose of this Act is to:

(1) Require the department of human services to seek a federal waiver to establish a pre-release SNAP application process for inmates nearing release and to implement the process upon obtaining the waiver by January 1, 2028; and

(2) Allow all individuals convicted of an offense involving the possession, use, or distribution of a controlled substance to apply for SNAP benefits, regardless of treatment status.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

"**§346- Supplemental nutrition assistance program; pre-release application program.** (a) In accordance with federal guidance, the department shall establish a pre-release supplemental nutrition assistance program application process for individuals who are incarcerated and scheduled for release. The department shall:

(1) Partner with correctional facilities to identify eligible individuals within a specified time frame before their release date;

(2) Facilitate the completion and submission of supplemental nutrition assistance program applications so that benefits, if approved, are available immediately upon or shortly after release;

(3) Provide information, counseling, and assistance regarding supplemental nutrition assistance program eligibility criteria to incarcerated individuals transitioning back into the community;

(4) Seek any necessary federal waivers, approvals, or clarifications to effectuate this section; and

(5) Comply with all applicable federal rules governing supplemental nutrition assistance program application and eligibility processes, ensuring that no benefits are issued to an incarcerated individual before the individual's release.

(b) The department may adopt rules pursuant to chapter 91 to effectuate the purposes of this section."

SECTION 3. Section 346-53.3, Hawaii Revised Statutes, is amended to read as follows:

"**[~~[~~]§346-53.3[~~]~~] Temporary assistance for needy families and [~~food stamps~~] supplemental nutrition assistance program for individuals with a felony conviction [~~which~~] that has as an element the possession, use, or distribution of a controlled substance.** Section 115(a) of Public Law 104-193 shall not apply in Hawaii [~~to persons who are complying with treatment or who have not refused or failed to comply with treatment~~]."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval; provided that section 2 shall take effect on January 1, 2028.

INTRODUCED BY: _____

S.B. NO. 2417

Report Title:
DHS; SNAP; Incarcerated Individuals; Felony Drug Offenders

Description:
By 1/1/2028, requires the Department of Human Services, upon obtaining a federal waiver, to establish a pre-release Supplemental Nutrition Assistance Program (SNAP) application process for inmates nearing release. Allows all individuals convicted of an offense involving the possession, use, or distribution of a controlled substance to apply for SNAP benefits, regardless of treatment status.

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