



United States
Department of
Agriculture

Food and
Nutrition
Service

June 3, 2014

Southeast Region

61 Forsyth St. S.W.
Room 8T36
Atlanta, GA
30303-3415

Mr. Keith Horton, Commissioner
Department of Human Services
2 Peachtree Street, NW, Suite 29-250
Atlanta, Georgia 30303


Dear Mr. Horton:

This letter is regarding the passage of House Bill 772 on April 29, 2014, which amends Georgia law to require drug testing of Supplemental Nutrition Assistance Program (SNAP) applicants and recipients at any time a reasonable suspicion exists that such applicant or recipient is using an illegal drug. The Food and Nutrition Service (FNS) would like to reaffirm and clarify longstanding Federal policy on this issue.

FNS policy prohibits States from mandating drug testing of SNAP applicants and recipients. Section 5(b) of the Food and Nutrition Act and 7 C.F.R. § 273.2(a) expressly prohibit States from imposing additional standards of eligibility for SNAP participation. Requiring SNAP applicants and recipients to pass a drug test in order to receive benefits would constitute an additional condition of eligibility, and therefore, is not allowable under law.

FNS values its partnership with the Georgia Department of Human Services and our ongoing collaboration is crucial in order to succeed in our mission to serve those in need with integrity and efficiency. FNS shares the State's commitment to program integrity and is available to provide guidance and technical assistance on options available to Georgia to help promote program integrity and ensure program access consistent with Federal law and regulation. Questions may be directed to, Peggy Fouts, Regional Director, Supplemental Nutrition Assistance Program at (404) 562 7099 or Peggy.Fouts@fns.usda.gov.

Sincerely,



ROBIN D. BAILEY, JR.
Regional Administrator