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United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

3101 Park  
Center Drive

Alexandria, VA  
22302-1500

SUBJECT: Medical Deductions—Medical Marijuana and Other Illegal Substances

TO: All Regional Directors  
Supplemental Nutrition Assistance Program

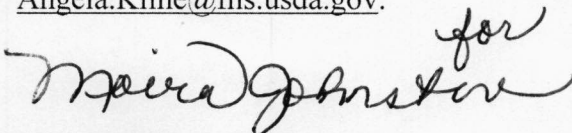
This memorandum is to reaffirm Food and Nutrition Service (FNS) policy regarding the Supplemental Nutrition Assistance Program (SNAP) medical deduction and medicinal marijuana. Due to the increase in the number of States with laws that permit the use of marijuana for medicinal purposes, FNS is now reaffirming its long standing policy that a household may not utilize the SNAP medical deduction for the cost of any substance considered illegal under Federal law.

Section 5(e)(5) of the Food and Nutrition Act of 2008 (FNA), 7 U.S.C. § 2011 et seq., allows households with elderly or disabled members to deduct “allowable medical expenses” from their income for the purposes of SNAP eligibility. This statutory provision is designed to allow elderly or disabled households, who often have significant medical costs, to receive food help. Section 3(c)(3) of the FNA defines “allowable medical expenses” to include “expenditures for prescription drugs when prescribed by a licensed practitioner authorized under State law.” There is no provision in the FNA that allows households to deduct the cost of substances considered illegal under Federal law.

Currently eighteen States have state statutory provisions that allow doctors to prescribe medicinal marijuana to patients in limited circumstances. It has come to FNS’ attention that some State agencies are allowing elderly or disabled households to deduct the cost of medicinal marijuana from their income for SNAP purposes. Under the Controlled Substances Act, 21 U.S.C. § 801 et seq., marijuana is a Schedule I controlled substance that has no currently accepted medical use and cannot be prescribed for medicinal purposes. 21 U.S.C. § 812(b)(1), (c). SNAP is a Federal program and must conform to Federal law regarding illegal substances. Therefore, marijuana and other Schedule I controlled substances are not “allowable medical expenses” under Federal law.

States that currently allow for the deduction of medical marijuana must cease this practice immediately and make any necessary corrections to their State policy manuals and instructions. Cases that cannot be readily identified must be corrected at the time of recertification or periodic report, whichever is sooner. States that are not in compliance may face penalties for any overissuance of SNAP benefits.

Should you have any questions about this policy, please contact Angela Kline at [Angela.Kline@fns.usda.gov](mailto:Angela.Kline@fns.usda.gov).



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