



Food and  
Nutrition  
Service

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**JUL 15 2015**

SUBJECT: Same-Sex Marriage and SNAP Mandatory Household Status

To: All Regional Directors  
Supplemental Nutrition Assistance Program

This memorandum restates the Food and Nutrition Service (FNS) policy on the treatment of same-sex marriages with regard to Section 3(m)(2) of the Food and Nutrition Act of 2008, as amended. Our May 27, 2014, memorandum revised FNS' position on this issue as a result of the Supreme Court decision in *United States v. Windsor*, which held that Section 3 of the Defense of Marriage Act, which defines "marriage" as a legal union between one man and one woman as husband and wife and "spouse" as a person of the opposite sex who is a husband or wife, is unconstitutional.

Recently, FNS was made aware that several Supplemental Nutrition Assistance Program (SNAP) State agencies had concerns regarding implementation of the above revision due to State constitutional bans on recognition of same-sex marriages. In light of the Supreme Court's June 26, 2015, decision in *Obergefell v. Hodges*, which states that the Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-State, these concerns from States are moot. All SNAP State agencies must come into compliance with this policy within 30 days of the date of this memorandum.

If you have any questions, please contact Sasha Gersten-Paal at [Sasha.Gersten-Paal@fns.usda.gov](mailto:Sasha.Gersten-Paal@fns.usda.gov).

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