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NEWS FOR IMMEDIATE RELEASE

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AG Kaul and Coalition Sue to Block Unlawful SNAP Eligibility Guidance

MADISON, Wis. – Today, Attorney General Josh Kaul joined a coalition of 21 other attorneys general in filing a [lawsuit](#) to stop the federal government from imposing new eligibility restrictions on the Supplementation Nutrition Assistance Program (SNAP), known as FoodShare in Wisconsin, that flout the law and could result in increased hunger and significant financial penalties for the state.

Kaul and the coalition are seeking to block new guidance from the Trump Administration’s U.S. Department of Agriculture (USDA) that wrongly disqualifies several groups of people from food assistance without any basis in federal law. The attorneys general are asking the court to invalidate the guidance and declare it unlawful.

“Improperly restricting eligibility for SNAP leads to more unnecessary hunger in our communities and an unnecessary increase in the strain on food banks and food pantries,” said AG Kaul. “The Trump administration must stop disregarding federal law and standing in the way of food assistance for people.”

On October 31, USDA issued new guidance to state SNAP agencies describing changes to program eligibility under the “One Big Beautiful Bill” (OBBB), which narrowed eligibility for certain individuals, including refugees, asylum recipients, and others admitted under humanitarian protection programs. The USDA memo, however, incorrectly indicated that all individuals who entered the country through these humanitarian pathways would remain permanently ineligible for SNAP, even after obtaining green cards and becoming lawful permanent residents.

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AG Kaul and the coalition emphasize that this position is not mentioned in the OBBB or in any other federal law. Federal statutes make clear that many individuals protected under humanitarian programs become eligible for SNAP once they obtain their green cards and meet standard program requirements. The attorneys general argue that USDA's memo unlawfully threatens to cut off food assistance for people who are fully eligible under the law.

The attorneys general argue that USDA's guidance also misapplies the agency's own regulations. Federal rules give states a 120-day grace period after new guidance is issued to adjust their systems without facing severe financial penalties. USDA is now claiming that this period expired on November 1, just one day after the guidance was released and before states even had a single business day to review it. The coalition argues that this interpretation is inconsistent with USDA's own regulations, which state that the 120-day period cannot begin until new guidance is actually issued. And because the statute also imposes a cost-shifting framework on the SNAP program for states that have error rates in administering the program that are above certain levels, by disregarding its own rules, USDA is potentially exposing states to major financial penalties for errors caused by the agency's late and inaccurate memo.

Wisconsin and other states have already begun implementing the statutory changes enacted earlier this year, but USDA's guidance now forces them to overhaul eligibility systems without sufficient time. This has disrupted efforts by the Wisconsin Department of Health Services (DHS), which administers FoodShare, to implement the eligibility changes in the OBBB, and it is at risk of potentially significant financial harm if there are error rates above certain levels associated with how DHS implements the policy. The unlawful guidance will increase the costs required to implement the changes required by the OBBB and is also likely to result in greater demand for food assistance in Wisconsin being placed on food pantries and food banks.

Kaul and the coalition warn the guidance will create widespread confusion for families, increase the risk of wrongful benefit terminations, erode public trust, and place states in an untenable situation where they must either violate federal law or accept severe financial liability. The attorneys general are asking the court to vacate the unlawful guidance and block its implementation to ensure that families do not lose critical food assistance.

Joining AG Kaul in this lawsuit are the attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia.