

**Senator Luz Robles** proposes the following substitute bill:

**HEALTH AMENDMENTS FOR LEGAL**

**IMMIGRANT CHILDREN**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Robles**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Medical Assistance Act and the Utah Children's Health Insurance Act to provide Medicaid coverage and health insurance coverage to a legal immigrant child, regardless of the length of time that the child has been in the United States.

**Highlighted Provisions:**

This bill:

- ▶ exercises the option to remove the five-year residency requirement for a legal immigrant child to be eligible for coverage under Medicaid or the Utah Children's Health Insurance Program;
- ▶ directs the Department of Health to amend the state Medicaid plan and the Utah Children's Health Insurance Program to provide coverage to an eligible legal immigrant child, regardless of the length of time that the child has been in the United States; and
- ▶ provides that \$468,600 is annually appropriated from the Cigarette Tax Restricted Account to the Department of Health to provide the Medicaid and children's health insurance coverage described above.

**Monies Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 This bill takes effect on July 1, 2010.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **59-14-204**, as last amended by Laws of Utah 2008, Chapter 382

32 ENACTS:

33 **26-18-3.3**, Utah Code Annotated 1953

34 **26-40-115**, Utah Code Annotated 1953



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **26-18-3.3** is enacted to read:

38 **26-18-3.3. Coverage for legal immigrant children.**

39 In accordance with the provisions of the federal Children's Health Insurance Program  
40 Reauthorization Act of 2009, Pub. L. No. 111-3, and all other applicable requirements of  
41 federal law and rule, the department shall amend the state Medicaid plan to provide coverage  
42 under the Medicaid program to a client who is:

43 (1) an eligible child; and

44 (2) a legal immigrant to the United States, regardless of the length of time that the  
45 person described in Subsection (1) has been in the United States.

46 Section 2. Section **26-40-115** is enacted to read:

47 **26-40-115. Coverage for legal immigrant pregnant women and children.**

48 In accordance with the provisions of the federal Children's Health Insurance Program  
49 Reauthorization Act of 2009, Pub. L. No. 111-3, and all other applicable requirements of  
50 federal law and rule, the department shall provide coverage under the program to a person who  
51 is:

52 (1) an eligible child; and

53 (2) a legal immigrant to the United States, regardless of the length of time that the  
54 person described in Subsection (1) has been in the United States.

55 Section 3. Section **59-14-204** is amended to read:

56 **59-14-204. Tax basis -- Rate -- Future increase -- Restricted account -- Use of**

57 **revenues.**

58 (1) Except for cigarettes described under Subsection 59-14-210(3), there is levied a tax  
59 upon the sale, use, storage, or distribution of cigarettes in the state.

60 (2) The rates of the tax levied under Subsection (1) are:

61 (a) 3.475 cents on each cigarette, for all cigarettes weighing not more than three  
62 pounds per thousand cigarettes; and

63 (b) 4.075 cents on each cigarette, for all cigarettes weighing in excess of three pounds  
64 per thousand cigarettes.

65 (3) Except as otherwise provided under this chapter, the tax levied under Subsection  
66 (1) shall be paid by any person who is the manufacturer, jobber, importer, distributor,  
67 wholesaler, retailer, user, or consumer.

68 (4) The tax rates specified in this section shall be increased by the commission by the  
69 same amount as any future reduction in the federal excise tax on cigarettes.

70 (5) (a) There is created within the General Fund a restricted account known as the  
71 "Cigarette Tax Restricted Account."

72 (b) Beginning on July 1, 1998, \$250,000 of the revenues generated by the increase in  
73 the cigarette tax under this section enacted during the 1997 Annual General Session shall be  
74 annually deposited into the account.

75 (c) The Department of Health shall expend the funds deposited in the account under  
76 Subsection (5)(b) for a tobacco prevention and control media campaign targeted towards  
77 children.

78 (d) The following revenue generated from the tax increase imposed under Subsection  
79 (1) during the 2002 General Session shall be deposited in the Cigarette Tax Restricted  
80 Account:

81 (i) 22% of the revenue to be annually appropriated to the Department of Health for  
82 tobacco prevention, reduction, cessation, and control programs;

83 (ii) 15% of the revenue to be annually appropriated to the University of Utah Health  
84 Sciences Center for the Huntsman Cancer Institute for cancer research; ~~and~~

85 (iii) 21% of the revenue to be annually appropriated to the University of Utah Health  
86 Sciences Center for medical education at the University of Utah School of Medicine[-]; and

87 (iv) subject to Subsection (6), \$468,600 to be annually appropriated to the Department

88 of Health to provide coverage under Sections 26-18-3.3 and 26-40-115.

89 (e) Any balance remaining in the Cigarette Tax Restricted Account at the end of the  
90 fiscal year shall be appropriated during the next fiscal year for the purposes [~~set forth~~]  
91 described in Subsections (5)(d)(i) through (5)(d)(iii) in proportion to the amount of revenue  
92 deposited into the account for each purpose.

93 (f) The Legislature shall give particular consideration to appropriating any revenues  
94 resulting from the change in tax rates under Subsection (2) adopted during the 2002 Annual  
95 General Session and not otherwise appropriated pursuant to Subsection (5)(d) to enhance  
96 Medicaid provider reimbursement rates and medical coverage for the uninsured.

97 (g) Any program or entity that receives funding under Subsection (5)(d) shall provide  
98 an annual report to the Health and Human Services Interim Committee no later than September  
99 1 of each year. The report shall include:

100 (i) the amount funded;

101 (ii) the amount expended;

102 (iii) a description of the effectiveness of the program; and

103 (iv) if the program is a tobacco cessation program, the report required in Section  
104 51-9-203.

105 (6) The portion of the amount described in Subsection (5)(d)(iv) that is not used for the  
106 purpose described in Subsection (5)(d)(iv) shall, at the end of the fiscal year, be appropriated  
107 during the next fiscal year for the purposes described in Subsections (5)(d)(i) through (5)(d)(iii)  
108 in proportion to the amount of revenue deposited into the account for each purpose.

109 Section 4. **Effective date.**

110 This bill takes effect on July 1, 2010.

**S.B. 44 1st Sub. (Green) - Health Amendments for Legal Immigrant Children**

**Fiscal Note**

2010 General Session  
State of Utah

**State Impact**

This Legislation requires an ongoing appropriation beginning in FY 2011 of \$26,500 State funds plus \$48,800 Federal Funds (\$75,300 total) to the Department of Workforce Services and \$442,100 State funds plus \$1,337,900 Federal Funds (\$1,780,000 total) to the Department of Health. The FY 2011 State funds appropriation to the Department of Health is temporarily offset by a \$32,200 from the American Recovery and Reinvestment Act. Medicaid's emergency medical spending may be reduced. The Legislation provides \$486,600 annually from the Cigarette Tax Restricted Account to the Department of Health for the State fund costs of this legislation.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund Restricted	\$0	(\$32,200)	\$0	\$0	\$0	\$0
General Fund Restricted	\$0	\$468,600	\$468,600	\$0	\$0	\$0
Federal Funds	\$0	\$1,386,700	\$1,386,700	\$0	\$0	\$0
Other	\$0	\$32,200	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$1,855,300</b>	<b>\$1,855,300</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses or local governments. Some individuals may benefit from Medicaid and Children's Health Insurance Program spending.