

HB0088S05 compared with HB0088

~~{Omitted text}~~ shows text that was in HB0088 but was omitted in HB0088S05

inserted text shows text that was not in HB0088 but was inserted into HB0088S05

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1 **Public Assistance Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Trevor Lee
Senate Sponsor:



2
3 **LONG TITLE**

4 **General Description:**

5 This bill ~~{amends provisions regarding exceptions to verification of }~~ addresses lawful presence for
6 ~~{the }~~ receipt of ~~{certain public assistance }~~ public benefits.

6 **Highlighted Provisions:**

7 This bill:

- 9 ~~{amends provisions regarding exceptions }~~ removes authority for an agency or political
subdivision of the state to skip verification of lawful presence for ~~{the }~~ receipt of ~~{certain public~~
~~assistance benefits }~~ a state or local public benefit or a federal public benefit the state administers; {and }
- 11 prohibits an agency or political subdivision of the state from providing state or local public
benefits to an individual who is unlawfully present in the United States, with certain exceptions;
- 14 requires an agency or department to conduct certain audits;
- 15 provides that the Office of the Legislative Auditor General may conduct a certain audit
under certain circumstances;
- 17 allows a certain individual a private right of action against a certain governmental
employee under certain circumstances;

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- 19 ▶ provides for criminal or civil penalties under certain circumstances; and
- 11 ▶ makes technical and conforming changes.

21 Money Appropriated in this Bill:

22 None

23 Other Special Clauses:

24 None

25 Utah Code Sections Affected:

26 AMENDS:

27 **63G-12-402** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

28 **76-14-207** , as renumbered and amended by Laws of Utah 2025, Chapter 173

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

31 Section 1. Section **63G-12-402** is amended to read:

32 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification -- {Exceptions--**
33 **} Fraudulently obtaining benefits -- {Criminal penalties} Penalties -- Audit requirement -- Annual**
34 **report.**

25 (1)

[(a)] ~~Except as provided in Subsection (3){f} or when exempted by federal law{f} , an~~ An agency or political subdivision of the state shall verify the lawful presence in the United States of an individual at least 18 years old who applies for:

28 [(i)] (a) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

29 [(ii)] (b) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an agency or political subdivision of this state.

31 [(b)] (2) For purpose of a license issued under Title 58, Chapter 55, Utah Construction Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of Commerce shall verify in accordance with this Subsection [(1)] (2) the lawful presence in the United States of each individual who:

35 [(i)] (a) owns an interest in the contractor that is an unincorporated entity; and

36 [(ii)] (b) engages, or will engage, in a construction trade in Utah as an owner of the contractor described in Subsection [(1)(b)(i)] (2)(a).

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~~[(2)]~~ (3) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

40 ~~[(3) Verification of lawful presence under this section is not required for:]~~

41 [(a) any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation;]

43 [(b){ } ~~{(a)}~~] assistance for health care items and services that:

44 ~~[(i) are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and]~~

46 ~~[(ii) are not related to an organ transplant procedure;]~~

47 [(e){ } ~~{(b)}~~] short-term, noncash, in-kind emergency disaster relief;

48 [(d) public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by the communicable disease;]

51 [(e){ } ~~{(e)}~~] programs, services, or assistance { } such as soup kitchens, crisis counseling and intervention, and short-term shelter { } , specified by the United States Attorney General, in the sole and unreviewable discretion of the United States Attorney General after consultation with appropriate federal agencies and departments, that:

55 ~~[(i) deliver in-kind services at the community level, including through public or private nonprofit agencies;]~~

57 ~~[(ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient; and]~~

60 ~~[(iii) are necessary for the protection of life or safety;]~~

61 [(f){ } ~~{(d)}~~] the exemption for paying the nonresident portion of total tuition as set forth in Section 53H-11-203;

63 [(g){ } ~~{(e)}~~] an applicant for a license under Section 61-1-4, if the applicant:

64 ~~[(i) is registered with the Financial Industry Regulatory Authority; and]~~

65 ~~[(ii) files an application with the state Division of Securities through the Central Registration Depository;]~~

67 [(h){ } ~~{(f)}~~] a state public benefit to be given to an individual under Title 49, Utah State Retirement and Insurance Benefit Act;

69 [(i){ } ~~{(g)}~~] a home loan that will be insured, guaranteed, or purchased by;

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- 70 ~~[(i) the Federal Housing Administration, the Veterans Administration, or any other federal agency; or]~~
72 ~~[(ii) an enterprise as defined in 12 U.S.C. Sec. 4502;]~~
73 ~~[(j){ } { (h) }] a subordinate loan or a grant that will be made to an applicant in connection with a home
loan that does not require verification under Subsection { } (3)(i){ } { (3)(g) };~~
75 ~~[(k){ } { (i) }] an applicant for a license issued by the Department of Commerce or individual described
in Subsection { } (1)(b){ } { (1)(a) }, if the applicant or individual provides the Department of
Commerce:]~~
78 ~~[(i) certification, under penalty of perjury, that the applicant or individual is:]~~
79 ~~[(A) a United States citizen;]~~
80 ~~[(B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or]~~
81 ~~[(C) lawfully present in the United States; and]~~
82 ~~[(ii)~~
~~(A) the number assigned to a driver license or identification card issued under Title 53, Chapter 3,
Uniform Driver License Act; or]~~
84 ~~[(B) the number assigned to a driver license or identification card issued by a state other than Utah if,
as part of issuing the driver license or identification card, the state verifies an individual's lawful
presence in the United States; and]~~
87 ~~[(l){ } { (j) }] an applicant for:]~~
88 ~~[(i) an Opportunity scholarship described in Section 53H-11-402;]~~
89 ~~[(ii) a New Century scholarship described in Section 53H-11-407;]~~
90 ~~[(iii) a promise grant described in Section 53H-11-414; or]~~
91 ~~[(iv) a scholarship:]~~
92 ~~[(A) for an individual who is a graduate of a high school located within Utah; and]~~
93 ~~[(B) administered by an institution of higher education as defined in Section 53H-1-101.]~~
95 (4)
(a) An agency or political subdivision required to verify the lawful presence in the United States of an
applicant under this section shall require the applicant to certify under penalty of perjury that:
98 (i) the applicant is a United States citizen; or
99 (ii) the applicant is:
100 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
101 (B) lawfully present in the United States.

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- 102 (b) The certificate required under this Subsection (4) shall include a statement advising the signer that
providing false information subjects the signer to penalties for perjury.
- 104 (5) An agency or political subdivision shall verify a certification required under Subsection (4)(a)(ii)
through the federal SAVE program.
- 106 (6)
- (a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement or
representation in a certification under Subsection [~~(3)(k)~~ **{ (3)(i) } or](4) is subject to the criminal
penalties applicable in this state for:**
- 109 (i) making a written false statement under Section 76-8-504; and
- 110 (ii) fraudulently obtaining:
- 111 (A) public assistance program benefits under Section 76-8-1203.1; or
- 112 (B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303, or 76-8-1304.
- 114 (b) If the certification constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911,
the agency or political subdivision shall file a complaint with the United States Attorney General for
the applicable district based upon the venue in which the application was made.
- 118 (c) If an agency or political subdivision receives verification that a person making an application
for a benefit, service, or license is not a qualified alien, the agency or political subdivision shall
immediately deny the application and provide the information to the Office of the Attorney General
unless prohibited by federal mandate.
- 122 (7)
- (a) An agency or political subdivision may adopt variations to the requirements of this section that:
- 124 [(a)] (i) clearly improve the efficiency of or reduce delay in the verification process; or
- 125 [(b)] (ii) provide for adjudication of unique individual circumstances where the verification procedures
in this section would impose an unusual hardship on a legal resident of Utah.
- 138 (b) An agency or political subdivision may not adopt variations under Subsection (7)(a) that expand
eligibility of public benefits to individuals without lawful presence in the United States.
- 128 (8)
- (a) Notwithstanding any other provision of state law, an agency or political subdivision of the state
may not provide a state or local public benefit that is funded by state or local funds, including non-
emergency medical health care, local- or state-administered health care or health insurance, housing
assistance, food assistance, cash benefits, tuition assistance, or other state or locally funded public

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assistance programs, to an individual who is not a qualified alien or who is without lawful presence in the United States.

148 (b) ~~[It is unlawful for an]~~ An agency or a political subdivision of this state ~~[to]~~ may not provide a state,
151 local, or federal benefit, as defined in 8 U.S.C. [See{ } Sees };] Secs. 1611 and 1621, in violation of
this section.

151 (c) Nothing in this Subsection (8) prevents an agency or political subdivision from providing
151 emergency medical health care or temporary disaster shelter to an individual in the state regardless
of lawful status.

131 (9) A state agency or department that administers a program of state or local public benefits shall:

133 (a) provide an annual report to the governor, the president of the Senate, and the speaker of the House
of Representatives regarding ~~[its]~~ :

158 (i) the state agency's or department's compliance with this section; and

159 (ii) the number and type of the state or local public benefit for which an applicant applied and was
denied, if the agency or department denied the applicant benefits because the applicant was not a
qualified alien or lawfully present in the United States;

135 (b)

(i) monitor the federal SAVE program for application verification errors and significant delays;

137 (ii) provide an annual report on the errors and delays to ensure that the application of the federal SAVE
program is not erroneously denying a state or local benefit to a legal resident of the state; and

140 (iii) report delays and errors in the federal SAVE program to the United States Department of
Homeland Security ~~[=]~~ ; and

170 (c) beginning on January 1, 2027, conduct a quarterly audit of each public assistance program for
compliance with this section.

172 (10) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative
Auditor General established under Section 36-12-15 shall in any fiscal year conduct a biennial audit
of each state agency or department described in Subsection (9) to determine if the state agency or
department is compliant with this section.

176 (11)

(a) An employee of a state agency or political subdivision who, with willful or reckless disregard for the
verification requirements under this section, fails to verify lawful presence or who fails to maintain
records regarding the verification of lawful presence, is guilty of a class B misdemeanor.

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- 180 (b) The penalties in this section are in addition to existing law.
181 (12) An executive director of a state agency or department who is vested with responsibility to
administer or make policy for a state agency, and who knowingly violates or allows an employee to
violate this section, shall be subject to removal from office in accordance with the state agency's or
department's procedures.
185 (13) An individual taxpayer who is injured by a violation of this section has a private right of action
against an employee or executive director described in Subsection (11)(a) or (12) if:
188 (a) the action is brought in accordance with Section 78B-3-101.3; and
189 (b) the taxpayer's alleged damages are reasonable, foreseeable, and proximately caused by the violation
of this section.

191 Section 2. Section **76-14-207** is amended to read:

192 **76-14-207. Proof of immigration status required to receive public benefits.**

144 (1)

- (a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec. 1621 shall comply with Section 63G-12-402 and shall also comply with this section [, except:]
147 [(i) as provided in Subsection {f} 63G-12-402(3)(g) or (k) { } 63G-12-402(3)(e) or (i) ; or]
148 [(ii) when compliance is exempted by federal law or when compliance could reasonably be
expected to be grounds for the federal government to withhold federal Medicaid funding].
151 (b) The agency shall verify an individual's lawful presence in the United States by requiring that the
applicant under this section sign a certificate under penalty of perjury, stating that the applicant:
154 (i) is a United States citizen; or
155 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.
156 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer that providing
false information subjects the signer to penalties for perjury.
158 (d) The signature under this Subsection (1) may be executed in person or electronically.
159 (e) When an applicant who is a qualified alien has executed the certificate under this section, the
applicant's eligibility for benefits shall be verified by the agency through the federal SAVE program
or an equivalent program designated by the United States Department of Homeland Security.
163 (2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement of
representation in a certificate executed under this section is guilty of public assistance fraud by an
applicant for public assistance under Section 76-8-1203.1.

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- 166 (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911,
the agency requiring the certificate shall file a complaint with the United States Attorney for the
applicable federal judicial district based upon the venue in which the certificate was executed.
- 170 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to the
requirements of the provisions of this section that provide for adjudication of unique individual
circumstances in which the verification procedures in this section would impose unusual hardship
on a legal resident of this state.
- 174 (5) If an agency under Subsection (1) receives verification that an individual making an application
for a benefit, service, or license is not a qualified alien, the agency shall immediately deny the
application and provide the information to the local law enforcement agency for enforcement of
public assistance fraud by an applicant for public assistance under Section 76-8-1203.1 unless
prohibited by federal mandate.

228 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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