

Public Assistance Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

LONG TITLE**General Description:**

This bill amends provisions regarding exceptions to verification of lawful presence for the receipt of certain public assistance benefits.

Highlighted Provisions:

This bill:

- amends provisions regarding exceptions to verification of lawful presence for the receipt of certain public assistance benefits; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

**63G-12-402 . Receipt of state, local, or federal public benefits -- Verification --
Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

(1)(a) Except as provided in Subsection (3)[~~or when exempted by federal law~~], 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:

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

(b) 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) the lawful presence in the United States of each individual who:

- (i) owns an interest in the contractor that is an unincorporated entity; and
- (ii) engages, or will engage, in a construction trade in Utah as an owner of the contractor described in Subsection (1)(b)(i).

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

(3) Verification of lawful presence under this section is not required for:

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

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

- (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
- (ii) are not related to an organ transplant procedure;

~~[(c)]~~ (b) short-term, noncash, in-kind emergency disaster relief;

~~[(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;]~~

~~[(e)]~~ (c) 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:

- (i) deliver in-kind services at the community level, including through public or private nonprofit agencies;
- (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
- (iii) are necessary for the protection of life or safety;

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

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

- (i) is registered with the Financial Industry Regulatory Authority; and

- 65 (ii) files an application with the state Division of Securities through the Central
66 Registration Depository;
- 67 ~~[(h)]~~ (f) a state public benefit to be given to an individual under Title 49, Utah State
68 Retirement and Insurance Benefit Act;
- 69 ~~[(i)]~~ (g) a home loan that will be insured, guaranteed, or purchased by:
- 70 (i) the Federal Housing Administration, the Veterans Administration, or any other
71 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
74 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
76 described in Subsection ~~[(1)(b)]~~ (1)(a), if the applicant or individual provides the
77 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
83 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
85 other than Utah if, as part of issuing the driver license or identification card,
86 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
94 53H-1-101.
- 95 (4)(a) An agency or political subdivision required to verify the lawful presence in the
96 United States of an applicant under this section shall require the applicant to certify
97 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.
- 102 (b) The certificate required under this Subsection (4) shall include a statement advising
- 103 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
- 105 (4)(a)(ii) through the federal SAVE program.
- 106 (6)(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent
- 107 statement or representation in a certification under Subsection [~~(3)(k)~~] (3)(i) or (4) is
- 108 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,
- 113 or 76-8-1304.
- 114 (b) If the certification constitutes a false claim of United States citizenship under 18
- 115 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the
- 116 United States Attorney General for the applicable district based upon the venue in
- 117 which the application was made.
- 118 (c) If an agency or political subdivision receives verification that a person making an
- 119 application for a benefit, service, or license is not a qualified alien, the agency or
- 120 political subdivision shall provide the information to the Office of the Attorney
- 121 General unless prohibited by federal mandate.
- 122 (7) An agency or political subdivision may adopt variations to the requirements of this
- 123 section that:
- 124 (a) clearly improve the efficiency of or reduce delay in the verification process; or
- 125 (b) provide for adjudication of unique individual circumstances where the verification
- 126 procedures in this section would impose an unusual hardship on a legal resident of
- 127 Utah.
- 128 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,
- 129 local, or federal benefit, as defined in 8 U.S.C. [See] Secs. 1611 and 1621, in violation of
- 130 this section.
- 131 (9) A state agency or department that administers a program of state or local public benefits
- 132 shall:

- (a) provide an annual report to the governor, the president of the Senate, and the speaker of the House regarding its compliance with this section; and
- (b)(i) monitor the federal SAVE program for application verification errors and significant delays;
- (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
- (iii) report delays and errors in the federal SAVE program to the United States Department of Homeland Security.

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

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

- (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:
- (i) as provided in Subsection [~~63G-12-402(3)(g) or (k)~~] 63G-12-402(3)(e) or (i); or
- (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.
- (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:
- (i) is a United States citizen; or
- (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.
- (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.
- (d) The signature under this Subsection (1) may be executed in person or electronically.
- (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.
- (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.
- (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C.

167 Sec. 911, the agency requiring the certificate shall file a complaint with the United
168 States Attorney for the applicable federal judicial district based upon the venue in which
169 the certificate was executed.

170 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to
171 the requirements of the provisions of this section that provide for adjudication of unique
172 individual circumstances in which the verification procedures in this section would
173 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
175 application for a benefit, service, or license is not a qualified alien, the agency shall
176 provide the information to the local law enforcement agency for enforcement of public
177 assistance fraud by an applicant for public assistance under Section 76-8-1203.1 unless
178 prohibited by federal mandate.

179 Section 3. **Effective Date.**

180 This bill takes effect on May 6, 2026.