

Trevor Lee proposes the following substitute bill:

Public Assistance Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses lawful presence for receipt of public benefits.

Highlighted Provisions:

This bill:

- removes authority for an agency or political subdivision of the state to skip verification of lawful presence for receipt of a state or local public benefit or a federal public benefit the state administers;

- 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;

- amends the sunset date regarding alternative eligibility under the Utah Children's Health Insurance Program; 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

63I-1-226, as last amended by Laws of Utah 2025, Chapters 47, 277 and 366

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 --

Fraudulently obtaining benefits -- Criminal penalties -- Annual report.

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

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

[~~(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.

[~~(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:

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

[~~(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).

[~~(2)~~] (3) 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) 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) 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) 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,~~

- 63 or the cost of assistance provided on the income or resources of the individual
64 recipient; and]
- 65 [(iii) are necessary for the protection of life or safety;]
- 66 [(f) the exemption for paying the nonresident portion of total tuition as set forth in
67 Section 53H-11-203;]
- 68 [(g) an applicant for a license under Section 61-1-4, if the applicant:]
- 69 [(i) is registered with the Financial Industry Regulatory Authority; and]
- 70 [(ii) files an application with the state Division of Securities through the Central
71 Registration Depository;]
- 72 [(h) a state public benefit to be given to an individual under Title 49, Utah State
73 Retirement and Insurance Benefit Act;]
- 74 [(i) a home loan that will be insured, guaranteed, or purchased by:]
- 75 [(i) the Federal Housing Administration, the Veterans Administration, or any other
76 federal agency; or]
- 77 [(ii) an enterprise as defined in 12 U.S.C. Sec. 4502;]
- 78 [(j) a subordinate loan or a grant that will be made to an applicant in connection with a
79 home loan that does not require verification under Subsection (3)(i);]
- 80 [(k) an applicant for a license issued by the Department of Commerce or individual
81 described in Subsection (1)(b), if the applicant or individual provides the Department
82 of Commerce:]
- 83 [(i) certification, under penalty of perjury, that the applicant or individual is:]
- 84 [(A) a United States citizen;]
- 85 [(B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or]
- 86 [(C) lawfully present in the United States; and]
- 87 [(ii)(A) the number assigned to a driver license or identification card issued under
88 Title 53, Chapter 3, Uniform Driver License Act; or]
- 89 [(B) the number assigned to a driver license or identification card issued by a state
90 other than Utah if, as part of issuing the driver license or identification card,
91 the state verifies an individual's lawful presence in the United States; and]
- 92 [(l) an applicant for:]
- 93 [(i) an Opportunity scholarship described in Section 53H-11-402;]
- 94 [(ii) a New Century scholarship described in Section 53H-11-407;]
- 95 [(iii) a promise grant described in Section 53H-11-414; or]
- 96 [(iv) a scholarship;]

~~[(A) for an individual who is a graduate of a high school located within Utah; and]
[(B) administered by an institution of higher education as defined in Section
53H-1-101.]~~

(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:

(i) the applicant is a United States citizen; or

(ii) the applicant is:

(A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and

(B) lawfully present in the United States.

(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.

(5) An agency or political subdivision shall verify a certification required under Subsection (4)(a)(ii) through the federal SAVE program.

(6)(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in a certification under Subsection ~~[(3)(k) or]~~(4) is subject to the criminal penalties applicable in this state for:

(i) making a written false statement under Section 76-8-504; and

(ii) fraudulently obtaining:

(A) public assistance program benefits under Section 76-8-1203.1; or

(B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303, or 76-8-1304.

(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.

(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.

~~(7)(a)~~ An agency or political subdivision may adopt variations to the requirements of this section that:

~~[(a)]~~ (i) clearly improve the efficiency of or reduce delay in the verification process; or

[~~(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.

(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.

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

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

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

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

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

(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; 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 **63I-1-226** is amended to read:

63I-1-226 . Repeal dates: Titles 26 through 26B.

- (1) Subsection 26B-1-204(2)(g), regarding the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee, is repealed July 1, 2030.
- (2) Subsection 26B-1-204(2)(h), regarding the Primary Care Grant Committee, is repealed July 1, 2035.
- (3) Section 26B-1-315, Medicaid ACA Fund, is repealed July 1, 2034.
- (4) Section 26B-1-318, Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.
- (5) Section 26B-1-402, Rare Disease Advisory Council Grant Program -- Creation -- Reporting, is repealed July 1, 2026.
- (6) Section 26B-1-409, Utah Digital Health Service Commission -- Creation -- Membership -- Duties, is repealed July 1, 2025.
- (7) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2035.
- (8) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee -- Membership -- Duties, is repealed July 1, 2029.
- (9) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation -- Compensation -- Duties, is repealed July 1, 2029.
- (10) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and membership, is repealed July 1, 2027.
- (11) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee and Program -- Creation -- Membership -- Duties, is repealed July 1, 2030.
- (12) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy regarding services to individuals with disabilities -- Creation -- Membership -- Expenses, is repealed July 1, 2027.
- (13) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1, 2026.
- (14) Section 26B-2-407, Drinking water quality in child care centers, is repealed July 1, 2027.
- (15) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is repealed July 1, 2028.
- (16) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July 1, 2025.
- (17) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed June 30, 2027.
- (18) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.
- (19) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is repealed July 1, 2027.

- 199 (20) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.
- 200 (21) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.
- 201 (22) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.
- 202 (23) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.
- 203 (24) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.
- 204 (25) Section 26B-3-308, Penalties, is repealed July 1, 2027.
- 205 (26) Section 26B-3-309, Immunity, is repealed July 1, 2027.
- 206 (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2034.
- 207 (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed
- 208 July 1, 2034.
- 209 (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.
- 210 (30) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility [
- 211 ~~Expendable Revenue Fund~~] Account, is repealed [~~July 1, 2028~~] July 1, 2026.
- 212 (31) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.
- 213 (32) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health Crisis
- 214 Response Committee, is repealed December 31, 2026.
- 215 (33) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health Crisis
- 216 Response Committee, is repealed December 31, 2026.
- 217 (34) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed
- 218 December 31, 2026.
- 219 (35) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is repealed
- 220 December 31, 2026.
- 221 (36) Section 26B-5-118, Collaborative care grant program, is repealed December 31, 2024.
- 222 (37) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed December
- 223 31, 2026.
- 224 (38) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response
- 225 Committee, is repealed December 31, 2026.
- 226 (39) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response
- 227 Committee, is repealed December 31, 2026.
- 228 (40) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response
- 229 Committee, is repealed December 31, 2026.
- 230 (41) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response
- 231 Committee, is repealed December 31, 2026.
- 232 (42) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed

December 31, 2025.

(43) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July 1, 2029.

(44) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response Committee, is repealed December 31, 2026.

(45) Title 26B, Chapter 5, Part 8, Utah Substance Use and Mental Health Advisory Committee, is repealed January 1, 2033.

(46) Section 26B-7-119, Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

(47) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot Program, is repealed July 1, 2029.

(48) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.

(49) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2026.

Section 3. 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); 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. 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.

(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.

(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.

Section 4. Effective Date.

This bill takes effect on May 6, 2026.