

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:

- ▶ provides an exception to governmental immunity;
- ▶ removes authority for an agency or political subdivision of the state to skip verification of full presence for receipt of a state or local public benefit or a federal public benefit 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;
- ▶ requires an agency or department to conduct certain audits;
- ▶ provides that the Office of the Legislative Auditor General may conduct a certain audit under certain circumstances;
- ▶ allows a certain individual a private right of action against a certain governmental employee under certain circumstances;
- ▶ provides for criminal or civil penalties under certain circumstances;
- ▶ 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:

29 **63G-7-301**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
30 **63G-12-402**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
31 **63I-1-226**, as last amended by Laws of Utah 2025, Chapters 47, 277 and 366
32 **76-14-207**, as renumbered and amended by Laws of Utah 2025, Chapter 173

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

35 Section 1. Section **63G-7-301** is amended to read:

36 **63G-7-301 . Waivers of immunity.**

37 (1)(a) Immunity from suit of each governmental entity is waived as to any contractual
38 obligation.

39 (b) Actions arising out of contractual rights or obligations are not subject to the
40 requirements of Section 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.

41 (c) The Division of Water Resources is not liable for failure to deliver water from a
42 reservoir or associated facility authorized by Title 73, Chapter 26, Bear River
43 Development Act, if the failure to deliver the contractual amount of water is due to
44 drought, other natural condition, or safety condition that causes a deficiency in the
45 amount of available water.

46 (2) Immunity from suit of each governmental entity is waived:

47 (a) as to any action brought to recover, obtain possession of, or quiet title to real or
48 personal property;

49 (b) as to any action brought to foreclose mortgages or other liens on real or personal
50 property, to determine any adverse claim on real or personal property, or to obtain an
51 adjudication about any mortgage or other lien that the governmental entity may have
52 or claim on real or personal property;

53 (c) as to any action based on the negligent destruction, damage, or loss of goods,
54 merchandise, or other property while it is in the possession of any governmental
55 entity or employee, if the property was seized for the purpose of forfeiture under any
56 provision of state law;

57 (d) subject to Section 63G-7-302, as to any action brought under the authority of Utah
58 Constitution, Article I, Section 22, for the recovery of compensation from the
59 governmental entity when the governmental entity has taken or damaged private
60 property for public uses without just compensation;

61 (e) as to any claim for attorney fees or costs under Section 63G-2-209, 63G-2-405, or
62 63G-2-802;

63 (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees
64 Act;

65 (g) as to any action brought to obtain relief from a land use regulation that imposes a
66 substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah
67 Religious Land Use Act;

68 (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
69 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,
70 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on
71 them; or
72 (ii) any defective or dangerous condition of a public building, structure, dam,
73 reservoir, or other public improvement;
74 (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately
75 caused by a negligent act or omission of an employee committed within the scope of
76 employment;

77 (j) notwithstanding Subsection 63G-7-101(4), as to a claim for an injury resulting from a
78 sexual battery, as provided in Section 76-5-418, committed:
79 (i) against a student of a public elementary or secondary school, including a charter
80 school; and
81 (ii) by an employee of a public elementary or secondary school or charter school who:
82 (A) at the time of the sexual battery, held a position of special trust, as defined in
83 Section 76-5-404.1, with respect to the student;
84 (B) is criminally charged in connection with the sexual battery; and
85 (C) the public elementary or secondary school or charter school knew or in the
86 exercise of reasonable care should have known, at the time of the employee's
87 hiring, to be a sex offender, a kidnap offender, or a child abuse offender as
88 described in Section 53-29-202, required to register under Title 53, Chapter 29,
89 Sex, Kidnap, and Child Abuse Offender Registry, whose status as a sex
90 offender, kidnap offender, or child abuse offender would have been revealed in
91 a background check under Section 53G-11-402;

92 (k) as to any action brought under Section 78B-6-2303;

93 (l) as to any action brought to obtain relief under Title 53H, Chapter 7, Part 7, Student
94 Legal Representation;

95 (m) as to any action brought under Section 53-30-301; [and]

96 (n) as to any action or suit brought under Section 20A-19-301 and as to any

97 compensation or expenses awarded under Subsection 20A-19-301(5)[.] ; and

98 (o) as to any action brought under Section 63G-12-402.

99 (3)(a) As used in this Subsection (3):

100 (i) "Code of conduct" means a code of conduct that:

101 (A) is not less stringent than a model code of conduct, created by the State Board
102 of Education, establishing a professional standard of care for preventing the
103 conduct described in Subsection (3)(a)(i)(D);
104 (B) is adopted by the applicable local education governing body;
105 (C) regulates behavior of a school employee toward a student; and
106 (D) includes a prohibition against any sexual conduct between an employee and a
107 student and against the employee and student sharing any sexually explicit or
108 lewd communication, image, or photograph.

109 (ii) "Local education agency" means:

110 (A) a school district;
111 (B) a charter school; or
112 (C) the Utah Schools for the Deaf and the Blind.

113 (iii) "Local education governing board" means:

114 (A) for a school district, the local school board;
115 (B) for a charter school, the charter school governing board; or
116 (C) for the Utah Schools for the Deaf and the Blind, the state board.

117 (iv) "Public school" means a public elementary or secondary school.

118 (v) "Sexual abuse" means the offense described in Subsection 76-5-404.1(2).

119 (vi) "Sexual battery" means the offense described in Section 76-5-418, considering
120 the term "child" in that section to include an individual under 18 years old.

121 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a
122 claim against a local education agency for an injury resulting from a sexual battery or
123 sexual abuse committed against a student of a public school by a paid employee of
124 the public school who is criminally charged in connection with the sexual battery or
125 sexual abuse, unless:

126 (i) at the time of the sexual battery or sexual abuse, the public school was subject to a
127 code of conduct; and

128 (ii) before the sexual battery or sexual abuse occurred, the public school had:

129 (A) provided training on the code of conduct to the employee; and

130 (B) required the employee to sign a statement acknowledging that the employee

131 has read and understands the code of conduct.

132 (4)(a) As used in this Subsection (4):

133 (i) "Institution of higher education" means the same as that term is defined in Section
134 53H-1-101.

135 (ii) "Policy governing behavior" means a policy adopted by a higher education
136 institution or the Utah Board of Higher Education that:

137 (A) establishes a professional standard of care for preventing the conduct
138 described in Subsections (4)(a)(ii)(C) and (D);
139 (B) regulates behavior of a special trust employee toward a subordinate student;
140 (C) includes a prohibition against any sexual conduct between a special trust
141 employee and a subordinate student; and
142 (D) includes a prohibition against a special trust employee and subordinate student
143 sharing any sexually explicit or lewd communication, image, or photograph.

144 (iii) "Sexual battery" means the offense described in Section 76-5-418.

145 (iv) "Special trust employee" means an employee of an institution of higher education
146 who is in a position of special trust, as defined in Section 76-5-404.1, with a
147 higher education student.

148 (v) "Subordinate student" means a student:

149 (A) of an institution of higher education; and
150 (B) whose educational opportunities could be adversely impacted by a special
151 trust employee.

152 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a
153 claim for an injury resulting from a sexual battery committed against a subordinate
154 student by a special trust employee, unless:

155 (i) the institution of higher education proves that the special trust employee's
156 behavior that otherwise would constitute a sexual battery was:

157 (A) with a subordinate student who was at least 18 years old at the time of the
158 behavior; and
159 (B) with the student's consent; or

160 (ii)(A) at the time of the sexual battery, the institution of higher education was
161 subject to a policy governing behavior; and

162 (B) before the sexual battery occurred, the higher education institution had taken
163 steps to implement and enforce the policy governing behavior.

164 Section 2. Section **63G-12-402** is amended to read:

165 **63G-12-402 . Receipt of state, local, or federal public benefits -- Verification --**

166 **Fraudulently obtaining benefits -- Penalties -- Audit requirement -- Annual report.**

167 (1)[(a) Except as provided in Subsection (3) or when exempted by federal law, an] An

168 agency or political subdivision of the state shall verify the lawful presence in the

169 United States of an individual at least 18 years old who applies for:

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

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

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

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

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

180 [(2)] (3) This section shall be enforced without regard to race, religion, gender, ethnicity, or
181 national origin.

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

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

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

186 [(i) are necessary for the treatment of an emergency medical condition, as defined in
187 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and]

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

189 [(e) short-term, noncash, in-kind emergency disaster relief;]

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

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

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

199 [((ii) do not condition the provision of assistance, the amount of assistance provided,
200 or the cost of assistance provided on the income or resources of the individual
201 recipient; and]
202 [((iii) are necessary for the protection of life or safety;]
203 [(f) the exemption for paying the nonresident portion of total tuition as set forth in
204 Section 53H-11-203;]
205 [(g) an applicant for a license under Section 61-1-4, if the applicant:]
206 [(i) is registered with the Financial Industry Regulatory Authority; and]
207 [(ii) files an application with the state Division of Securities through the Central
208 Registration Depository;]
209 [(h) a state public benefit to be given to an individual under Title 49, Utah State
210 Retirement and Insurance Benefit Act;]
211 [(i) a home loan that will be insured, guaranteed, or purchased by:]
212 [(i) the Federal Housing Administration, the Veterans Administration, or any other
213 federal agency; or]
214 [(ii) an enterprise as defined in 12 U.S.C. Sec. 4502;]
215 [(j) a subordinate loan or a grant that will be made to an applicant in connection with a
216 home loan that does not require verification under Subseection (3)(i);]
217 [(k) an applicant for a license issued by the Department of Commerce or individual
218 described in Subsection (1)(b), if the applicant or individual provides the Department
219 of Commerce:]
220 [(i) certification, under penalty of perjury, that the applicant or individual is:]
221 [(A) a United States citizen;]
222 [(B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or]
223 [(C) lawfully present in the United States; and]
224 [(ii)(A) the number assigned to a driver license or identification card issued under
225 Title 53, Chapter 3, Uniform Driver License Act; or]
226 [(B) the number assigned to a driver license or identification card issued by a state
227 other than Utah if, as part of issuing the driver license or identification card,
228 the state verifies an individual's lawful presence in the United States; and]
229 [(l) an applicant for:]
230 [(i) an Opportunity scholarship described in Section 53H-11-402;]
231 [(ii) a New Century scholarship described in Section 53H-11-407;]
232 [(iii) a promise grant described in Section 53H-11-414; or]

233 [(iv) a scholarship:]

234 [(A) for an individual who is a graduate of a high school located within Utah; and]
235 [(B) administered by an institution of higher education as defined in Section
236 53H-1-101.]

237 (4)(a) An agency or political subdivision required to verify the lawful presence in the
238 United States of an applicant under this section shall require the applicant to certify
239 under penalty of perjury that:

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

241 (ii) the applicant is:

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

243 (B) lawfully present in the United States.

244 (b) The certificate required under this Subsection (4) shall include a statement advising
245 the signer that providing false information subjects the signer to penalties for perjury.

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

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

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

252 (ii) fraudulently obtaining:

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

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

256 (b) If the certification constitutes a false claim of United States citizenship under 18
257 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the
258 United States Attorney General for the applicable district based upon the venue in
259 which the application was made.

260 (c) If an agency or political subdivision receives verification that a person making an
261 application for a benefit, service, or license is not a qualified alien, the agency or
262 political subdivision shall immediately deny the application and provide the
263 information to the Office of the Attorney General unless prohibited by federal
264 mandate.

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

267 [①] (i) clearly improve the efficiency of or reduce delay in the verification process; or
268 [②] (ii) provide for adjudication of unique individual circumstances where the
269 verification procedures in this section would impose an unusual hardship on a
270 legal resident of Utah.

271 (b) An agency or political subdivision may not adopt variations under Subsection (7)(a)
272 that expand eligibility of public benefits to individuals without lawful presence in the
273 United States.

274 (8)(a) Notwithstanding any other provision of state law, an agency or political
275 subdivision of the state may not provide a state or local public benefit that is funded
276 by state or local funds, including non-emergency medical health care, local- or
277 state-administered health care or health insurance, housing assistance, food
278 assistance, cash benefits, tuition assistance, or other state or locally funded public
279 assistance programs, to an individual who is not a qualified alien or who is without
280 lawful presence in the United States.

281 (b) [It is unlawful for an] An agency or a political subdivision of this state [to] may not
282 provide a state, local, or federal benefit, as defined in 8 U.S.C. [See:] Secs. 1611 and
283 1621, in violation of this section.

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

286 (a) provide an annual report to the governor, the president of the Senate, and the speaker
287 of the House of Representatives regarding~~its~~ :
288 (i) the state agency's or department's compliance with this section; and
289 (ii) the number and type of the state or local public benefit for which an applicant
290 applied and was denied, if the agency or department denied the applicant benefits
291 because the applicant was not a qualified alien or lawfully present in the United
292 States;

293 (b)(i) monitor the federal SAVE program for application verification errors and
294 significant delays;
295 (ii) provide an annual report on the errors and delays to ensure that the application of
296 the federal SAVE program is not erroneously denying a state or local benefit to a
297 legal resident of the state; and
298 (iii) report delays and errors in the federal SAVE program to the United States
299 Department of Homeland Security~~;~~ ; and
300 (c) beginning on January 1, 2027, conduct a quarterly audit of each public assistance

program for compliance with this section.

(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.

(11)(a) An employee of a state agency or political subdivision who knowingly fails to verify lawful presence or who fails to maintain records regarding the verification of lawful presence, as required under this section, is guilty of a class B misdemeanor.

(b) The penalties in this section are in addition to existing law.

(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.

(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:

(a) the action is brought in accordance with Section 78B-3-101.3; and

(b) the taxpayer's alleged damages are reasonable, foreseeable, and proximately caused by the violation of this section.

(14) An employee or executive director described in Subsection (11)(a) or (12) may not assert the defense of governmental immunity under Title 63G, Chapter 7, Governmental Immunity Act of Utah, in an action brought under this section.

Section 3. 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.

335 (7) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2035.

336 (8) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee -- Membership
337 -- Duties, is repealed July 1, 2029.

338 (9) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation --
339 Compensation -- Duties, is repealed July 1, 2029.

340 (10) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and
341 membership, is repealed July 1, 2027.

342 (11) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
343 Committee and Program -- Creation -- Membership -- Duties, is repealed July 1, 2030.

344 (12) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy
345 regarding services to individuals with disabilities -- Creation -- Membership --
346 Expenses, is repealed July 1, 2027.

347 (13) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1, 2026.

348 (14) Section 26B-2-407, Drinking water quality in child care centers, is repealed July 1,
349 2027.

350 (15) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is repealed
351 July 1, 2028.

352 (16) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July 1, 2025.

353 (17) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed June
354 30, 2027.

355 (18) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health Crisis
356 Response Committee, is repealed December 31, 2026.

357 (19) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is repealed
358 July 1, 2027.

359 (20) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.

360 (21) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.

361 (22) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.

362 (23) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.

363 (24) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.

364 (25) Section 26B-3-308, Penalties, is repealed July 1, 2027.

365 (26) Section 26B-3-309, Immunity, is repealed July 1, 2027.

366 (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2034.

367 (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed
368 July 1, 2034.

369 (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.

370 (30) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility [

371 ~~Expendable Revenue Fund~~ Account, is repealed ~~[July 1, 2028]~~ July 1, 2026.

372 (31) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.

373 (32) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health Crisis

374 Response Committee, is repealed December 31, 2026.

375 (33) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health Crisis

376 Response Committee, is repealed December 31, 2026.

377 (34) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed

378 December 31, 2026.

379 (35) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is repealed

380 December 31, 2026.

381 (36) Section 26B-5-118, Collaborative care grant program, is repealed December 31, 2024.

382 (37) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed December

383 31, 2026.

384 (38) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response

385 Committee, is repealed December 31, 2026.

386 (39) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response

387 Committee, is repealed December 31, 2026.

388 (40) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response

389 Committee, is repealed December 31, 2026.

390 (41) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response

391 Committee, is repealed December 31, 2026.

392 (42) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed

393 December 31, 2025.

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

395 2029.

396 (44) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response

397 Committee, is repealed December 31, 2026.

398 (45) Title 26B, Chapter 5, Part 8, Utah Substance Use and Mental Health Advisory

399 Committee, is repealed January 1, 2033.

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

401 (47) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot

402 Program, is repealed July 1, 2029.

403 (48) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.
404 (49) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2026.

405 Section 4. Section **76-14-207** is amended to read:

406 **76-14-207 . Proof of immigration status required to receive public benefits.**

407 (1)(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.
408 1621 shall comply with Section 63G-12-402 and shall also comply with this section[,
409 except:]

410 ~~[(i) as provided in Subsection 63G-12-402(3)(g) or (k); or]~~
411 ~~[(ii) when compliance is exempted by federal law or when compliance could~~
412 ~~reasonably be expected to be grounds for the federal government to withhold~~
413 ~~federal Medicaid funding].~~

414 (b) The agency shall verify an individual's lawful presence in the United States by
415 requiring that the applicant under this section sign a certificate under penalty of
416 perjury, stating that the applicant:
417 (i) is a United States citizen; or
418 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.
419 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer
420 that providing false information subjects the signer to penalties for perjury.
421 (d) The signature under this Subsection (1) may be executed in person or electronically.
422 (e) When an applicant who is a qualified alien has executed the certificate under this
423 section, the applicant's eligibility for benefits shall be verified by the agency through
424 the federal SAVE program or an equivalent program designated by the United States
425 Department of Homeland Security.
426 (2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent
427 statement of representation in a certificate executed under this section is guilty of public
428 assistance fraud by an applicant for public assistance under Section 76-8-1203.1.
429 (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C.
430 Sec. 911, the agency requiring the certificate shall file a complaint with the United
431 States Attorney for the applicable federal judicial district based upon the venue in which
432 the certificate was executed.
433 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to
434 the requirements of the provisions of this section that provide for adjudication of unique
435 individual circumstances in which the verification procedures in this section would
436 impose unusual hardship on a legal resident of this state.

437 (5) If an agency under Subsection (1) receives verification that an individual making an
438 application for a benefit, service, or license is not a qualified alien, the agency shall
439 immediately deny the application and provide the information to the local law
440 enforcement agency for enforcement of public assistance fraud by an applicant for
441 public assistance under Section 76-8-1203.1 unless prohibited by federal mandate.

442 **Section 5. Effective Date.**

443 This bill takes effect on May 6, 2026.