

Trevor Lee proposes the following substitute bill:

**Public Assistance Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Trevor Lee**

Senate Sponsor:

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**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, with certain exceptions;
- ▶ 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-12-402**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9  
 30           **63I-1-226**, as last amended by Laws of Utah 2025, Chapters 47, 277 and 366  
 31           **76-14-207**, as renumbered and amended by Laws of Utah 2025, Chapter 173

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32  
 33 *Be it enacted by the Legislature of the state of Utah:*

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

35           **63G-12-402 . Receipt of state, local, or federal public benefits -- Verification --**  
 36 **Fraudulently obtaining benefits -- Penalties -- Audit requirement -- Annual report.**

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

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

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

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

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

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

50 ~~[(2)]~~ (3) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
 51 national origin.

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

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

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

56           ~~[(i) are necessary for the treatment of an emergency medical condition, as defined in~~  
 57           ~~42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and]~~

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

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

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

- 63       ~~[(e) programs, services, or assistance such as soup kitchens, crisis counseling and~~  
64           ~~intervention, and short-term shelter, specified by the United States Attorney General,~~  
65           ~~in the sole and unreviewable discretion of the United States Attorney General after~~  
66           ~~consultation with appropriate federal agencies and departments, that:]~~  
67           ~~[(i) deliver in-kind services at the community level, including through public or~~  
68           ~~private nonprofit agencies;]~~  
69           ~~[(ii) do not condition the provision of assistance, the amount of assistance provided,~~  
70           ~~or the cost of assistance provided on the income or resources of the individual~~  
71           ~~recipient; and]~~  
72           ~~[(iii) are necessary for the protection of life or safety;]~~  
73       ~~[(f) the exemption for paying the nonresident portion of total tuition as set forth in~~  
74           ~~Section 53H-11-203;]~~  
75       ~~[(g) an applicant for a license under Section 61-1-4, if the applicant:]~~  
76           ~~[(i) is registered with the Financial Industry Regulatory Authority; and]~~  
77           ~~[(ii) files an application with the state Division of Securities through the Central~~  
78           ~~Registration Depository;]~~  
79       ~~[(h) a state public benefit to be given to an individual under Title 49, Utah State~~  
80           ~~Retirement and Insurance Benefit Act;]~~  
81       ~~[(i) a home loan that will be insured, guaranteed, or purchased by:]~~  
82           ~~[(i) the Federal Housing Administration, the Veterans Administration, or any other~~  
83           ~~federal agency; or]~~  
84           ~~[(ii) an enterprise as defined in 12 U.S.C. Sec. 4502;]~~  
85       ~~[(j) a subordinate loan or a grant that will be made to an applicant in connection with a~~  
86           ~~home loan that does not require verification under Subsection (3)(i);]~~  
87       ~~[(k) an applicant for a license issued by the Department of Commerce or individual~~  
88           ~~described in Subsection (1)(b), if the applicant or individual provides the Department~~  
89           ~~of Commerce:]~~  
90           ~~[(i) certification, under penalty of perjury, that the applicant or individual is:]~~  
91           ~~[(A) a United States citizen;]~~  
92           ~~[(B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or]~~  
93           ~~[(C) lawfully present in the United States; and]~~  
94           ~~[(ii)(A) the number assigned to a driver license or identification card issued under~~  
95           ~~Title 53, Chapter 3, Uniform Driver License Act; or]~~  
96           ~~[(B) the number assigned to a driver license or identification card issued by a state~~

97 other than Utah if, as part of issuing the driver license or identification card,  
 98 the state verifies an individual's lawful presence in the United States; and]

99 [~~(t) an applicant for:~~]

100 [~~(i) an Opportunity scholarship described in Section 53H-11-402;~~]

101 [~~(ii) a New Century scholarship described in Section 53H-11-407;~~]

102 [~~(iii) a promise grant described in Section 53H-11-414; or]~~

103 [~~(iv) a scholarship:~~]

104 [~~(A) for an individual who is a graduate of a high school located within Utah; and]~~

105 [~~(B) administered by an institution of higher education as defined in Section~~  
 106 ~~53H-1-101.]~~

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

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

111 (ii) the applicant is:

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

113 (B) lawfully present in the United States.

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

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

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

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

122 (ii) fraudulently obtaining:

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

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

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

130 (c) If an agency or political subdivision receives verification that a person making an

131 application for a benefit, service, or license is not a qualified alien, the agency or  
 132 political subdivision shall immediately deny the application and provide the  
 133 information to the Office of the Attorney General unless prohibited by federal  
 134 mandate.

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

137 [~~(a)~~] (i) clearly improve the efficiency of or reduce delay in the verification process; or  
 138 [~~(b)~~] (ii) provide for adjudication of unique individual circumstances where the  
 139 verification procedures in this section would impose an unusual hardship on a  
 140 legal resident of Utah.

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

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

151 (b) [~~It is unlawful for an-~~] An agency or a political subdivision of this state [tø] may not  
 152 provide a state, local, or federal benefit, as defined in 8 U.S.C. [See-] Secs. 1611 and  
 153 1621, in violation of this section.

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

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

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

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

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

- 165                   States;
- 166           (b)(i) monitor the federal SAVE program for application verification errors and  
167                   significant delays;
- 168           (ii) provide an annual report on the errors and delays to ensure that the application of  
169                   the federal SAVE program is not erroneously denying a state or local benefit to a  
170                   legal resident of the state; and
- 171           (iii) report delays and errors in the federal SAVE program to the United States  
172                   Department of Homeland Security[-] ; and
- 173           (c) beginning on January 1, 2027, conduct a quarterly audit of each public assistance  
174                   program for compliance with this section.
- 175   (10) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the  
176           Legislative Auditor General established under Section 36-12-15 shall in any fiscal year  
177           conduct a biennial audit of each state agency or department described in Subsection (9)  
178           to determine if the state agency or department is compliant with this section.
- 179   (11)(a) An employee of a state agency or political subdivision who, with willful or  
180           reckless disregard for the verification requirements under this section, fails to verify  
181           lawful presence or who fails to maintain records regarding the verification of lawful  
182           presence, is guilty of a class B misdemeanor.
- 183           (b) The penalties in this section are in addition to existing law.
- 184   (12) An executive director of a state agency or department who is vested with responsibility  
185           to administer or make policy for a state agency, and who knowingly violates or allows  
186           an employee to violate this section, shall be subject to removal from office in  
187           accordance with the state agency's or department's procedures.
- 188   (13) An individual taxpayer who is injured by a violation of this section has a private right  
189           of action against an employee or executive director described in Subsection (11)(a) or  
190           (12) if:
- 191           (a) the action is brought in accordance with Section 78B-3-101.3; and
- 192           (b) the taxpayer's alleged damages are reasonable, foreseeable, and proximately caused  
193                   by the violation of this section.

194           Section 2. Section **63I-1-226** is amended to read:

195           **63I-1-226 . Repeal dates: Titles 26 through 26B.**

- 196   (1) Subsection 26B-1-204(2)(g), regarding the Youth Electronic Cigarette, Marijuana, and  
197           Other Drug Prevention Committee, is repealed July 1, 2030.
- 198   (2) Subsection 26B-1-204(2)(h), regarding the Primary Care Grant Committee, is repealed

- 199 July 1, 2035.
- 200 (3) Section 26B-1-315, Medicaid ACA Fund, is repealed July 1, 2034.
- 201 (4) Section 26B-1-318, Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.
- 202 (5) Section 26B-1-402, Rare Disease Advisory Council Grant Program -- Creation --  
203 Reporting, is repealed July 1, 2026.
- 204 (6) Section 26B-1-409, Utah Digital Health Service Commission -- Creation -- Membership  
205 -- Duties, is repealed July 1, 2025.
- 206 (7) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2035.
- 207 (8) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee -- Membership  
208 -- Duties, is repealed July 1, 2029.
- 209 (9) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation --  
210 Compensation -- Duties, is repealed July 1, 2029.
- 211 (10) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and  
212 membership, is repealed July 1, 2027.
- 213 (11) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug Prevention  
214 Committee and Program -- Creation -- Membership -- Duties, is repealed July 1, 2030.
- 215 (12) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy  
216 regarding services to individuals with disabilities -- Creation -- Membership --  
217 Expenses, is repealed July 1, 2027.
- 218 (13) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1, 2026.
- 219 (14) Section 26B-2-407, Drinking water quality in child care centers, is repealed July 1,  
220 2027.
- 221 (15) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is repealed  
222 July 1, 2028.
- 223 (16) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July 1, 2025.
- 224 (17) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed June  
225 30, 2027.
- 226 (18) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health Crisis  
227 Response Committee, is repealed December 31, 2026.
- 228 (19) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is repealed  
229 July 1, 2027.
- 230 (20) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.
- 231 (21) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.
- 232 (22) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.

- 233 (23) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.
- 234 (24) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.
- 235 (25) Section 26B-3-308, Penalties, is repealed July 1, 2027.
- 236 (26) Section 26B-3-309, Immunity, is repealed July 1, 2027.
- 237 (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2034.
- 238 (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed  
239 July 1, 2034.
- 240 (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.
- 241 (30) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility [  
242 ~~Expendable Revenue Fund~~] Account, is repealed [~~July 1, 2028~~] July 1, 2026.
- 243 (31) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.
- 244 (32) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health Crisis  
245 Response Committee, is repealed December 31, 2026.
- 246 (33) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health Crisis  
247 Response Committee, is repealed December 31, 2026.
- 248 (34) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed  
249 December 31, 2026.
- 250 (35) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is repealed  
251 December 31, 2026.
- 252 (36) Section 26B-5-118, Collaborative care grant program, is repealed December 31, 2024.
- 253 (37) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed December  
254 31, 2026.
- 255 (38) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response  
256 Committee, is repealed December 31, 2026.
- 257 (39) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response  
258 Committee, is repealed December 31, 2026.
- 259 (40) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response  
260 Committee, is repealed December 31, 2026.
- 261 (41) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response  
262 Committee, is repealed December 31, 2026.
- 263 (42) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed  
264 December 31, 2025.
- 265 (43) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July 1,  
266 2029.

- 267 (44) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response  
268 Committee, is repealed December 31, 2026.
- 269 (45) Title 26B, Chapter 5, Part 8, Utah Substance Use and Mental Health Advisory  
270 Committee, is repealed January 1, 2033.
- 271 (46) Section 26B-7-119, Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.
- 272 (47) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot  
273 Program, is repealed July 1, 2029.
- 274 (48) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.
- 275 (49) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2026.
- 276 Section 3. Section **76-14-207** is amended to read:
- 277 **76-14-207 . Proof of immigration status required to receive public benefits.**
- 278 (1)(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.  
279 1621 shall comply with Section 63G-12-402 and shall also comply with this section[;  
280 except:]
- 281 [~~(i) as provided in Subsection 63G-12-402(3)(g) or (k); or~~]
- 282 [~~(ii) when compliance is exempted by federal law or when compliance could~~  
283 ~~reasonably be expected to be grounds for the federal government to withhold~~  
284 ~~federal Medicaid funding].~~
- 285 (b) The agency shall verify an individual's lawful presence in the United States by  
286 requiring that the applicant under this section sign a certificate under penalty of  
287 perjury, stating that the applicant:
- 288 (i) is a United States citizen; or
- 289 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.
- 290 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer  
291 that providing false information subjects the signer to penalties for perjury.
- 292 (d) The signature under this Subsection (1) may be executed in person or electronically.
- 293 (e) When an applicant who is a qualified alien has executed the certificate under this  
294 section, the applicant's eligibility for benefits shall be verified by the agency through  
295 the federal SAVE program or an equivalent program designated by the United States  
296 Department of Homeland Security.
- 297 (2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent  
298 statement of representation in a certificate executed under this section is guilty of public  
299 assistance fraud by an applicant for public assistance under Section 76-8-1203.1.
- 300 (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C.

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

304       (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to  
305           the requirements of the provisions of this section that provide for adjudication of unique  
306           individual circumstances in which the verification procedures in this section would  
307           impose unusual hardship on a legal resident of this state.

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

313           Section 4. **Effective Date.**

314           This bill takes effect on May 6, 2026.