

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; 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

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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 -- Penalties -- Audit requirement -- 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;]

[(e) short-term, noneash, 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

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

- 97 ~~[(i) an Opportunity scholarship described in Section 53H-11-402;]~~
 98 ~~[(ii) a New Century scholarship described in Section 53H-11-407;]~~
 99 ~~[(iii) a promise grant described in Section 53H-11-414; or]~~
 100 ~~[(iv) a scholarship:]~~
 101 ~~[(A) for an individual who is a graduate of a high school located within Utah; and]~~
 102 ~~[(B) administered by an institution of higher education as defined in Section~~
 103 ~~53H-1-101.]~~
- 104 (4)(a) An agency or political subdivision required to verify the lawful presence in the
 105 United States of an applicant under this section shall require the applicant to certify
 106 under penalty of perjury that:
- 107 (i) the applicant is a United States citizen; or
 108 (ii) the applicant is:
- 109 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
 110 (B) lawfully present in the United States.
- 111 (b) The certificate required under this Subsection (4) shall include a statement advising
 112 the signer that providing false information subjects the signer to penalties for perjury.
- 113 (5) An agency or political subdivision shall verify a certification required under Subsection
 114 (4)(a)(ii) through the federal SAVE program.
- 115 (6)(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent
 116 statement or representation in a certification under Subsection ~~[(3)(k) or]~~(4) is
 117 subject to the criminal penalties applicable in this state for:
- 118 (i) making a written false statement under Section 76-8-504; and
 119 (ii) fraudulently obtaining:
- 120 (A) public assistance program benefits under Section 76-8-1203.1; or
 121 (B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303,
 122 or 76-8-1304.
- 123 (b) If the certification constitutes a false claim of United States citizenship under 18
 124 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the
 125 United States Attorney General for the applicable district based upon the venue in
 126 which the application was made.
- 127 (c) If an agency or political subdivision receives verification that a person making an
 128 application for a benefit, service, or license is not a qualified alien, the agency or
 129 political subdivision shall immediately deny the application and provide the
 130 information to the Office of the Attorney General unless prohibited by federal

131 mandate.

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

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

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

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

148 (b) ~~[It is unlawful for an-]~~ An agency or a political subdivision of this state [tø] may not
149 provide a state, local, or federal benefit, as defined in 8 U.S.C. [See-] Secs. 1611 and
150 1621, in violation of this section.

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

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

156 (a) provide an annual report to the governor, the president of the Senate, and the speaker
157 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
160 applied and was denied, if the agency or department denied the applicant benefits
161 because the applicant was not a qualified alien or lawfully present in the United
162 States;

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

- 165 (ii) provide an annual report on the errors and delays to ensure that the application of
 166 the federal SAVE program is not erroneously denying a state or local benefit to a
 167 legal resident of the state; and
 168 (iii) report delays and errors in the federal SAVE program to the United States
 169 Department of Homeland Security[-] ; and
 170 (c) beginning on January 1, 2027, conduct a quarterly audit of each public assistance
 171 program for compliance with this section.

172 (10) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the
 173 Legislative Auditor General established under Section 36-12-15 shall in any fiscal year
 174 conduct a biennial audit of each state agency or department described in Subsection (9)
 175 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
 177 reckless disregard for the verification requirements under this section, fails to verify
 178 lawful presence or who fails to maintain records regarding the verification of lawful
 179 presence, is guilty of a class B misdemeanor.

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
 182 to administer or make policy for a state agency, and who knowingly violates or allows
 183 an employee to violate this section, shall be subject to removal from office in
 184 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
 186 of action against an employee or executive director described in Subsection (11)(a) or
 187 (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
 190 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.**

193 (1)(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.
 194 1621 shall comply with Section 63G-12-402 and shall also comply with this section[;
 195 except:]

196 [(i) as provided in Subsection 63G-12-402(3)(g) or (k); or]

197 [(ii) when compliance is exempted by federal law or when compliance could
 198 reasonably be expected to be grounds for the federal government to withhold

- 199 ~~federal Medicaid funding~~].
- 200 (b) The agency shall verify an individual's lawful presence in the United States by
201 requiring that the applicant under this section sign a certificate under penalty of
202 perjury, stating that the applicant:
- 203 (i) is a United States citizen; or
204 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.
- 205 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer
206 that providing false information subjects the signer to penalties for perjury.
- 207 (d) The signature under this Subsection (1) may be executed in person or electronically.
- 208 (e) When an applicant who is a qualified alien has executed the certificate under this
209 section, the applicant's eligibility for benefits shall be verified by the agency through
210 the federal SAVE program or an equivalent program designated by the United States
211 Department of Homeland Security.
- 212 (2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent
213 statement of representation in a certificate executed under this section is guilty of public
214 assistance fraud by an applicant for public assistance under Section 76-8-1203.1.
- 215 (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C.
216 Sec. 911, the agency requiring the certificate shall file a complaint with the United
217 States Attorney for the applicable federal judicial district based upon the venue in which
218 the certificate was executed.
- 219 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to
220 the requirements of the provisions of this section that provide for adjudication of unique
221 individual circumstances in which the verification procedures in this section would
222 impose unusual hardship on a legal resident of this state.
- 223 (5) If an agency under Subsection (1) receives verification that an individual making an
224 application for a benefit, service, or license is not a qualified alien, the agency shall
225 immediately deny the application and provide the information to the local law
226 enforcement agency for enforcement of public assistance fraud by an applicant for
227 public assistance under Section 76-8-1203.1 unless prohibited by federal mandate.

228 **Section 3. Effective Date.**

229 This bill takes effect on May 6, 2026.