

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, 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;
- 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

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

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

30 **63G-12-402 . Receipt of state, local, or federal public benefits -- Verification --**
 31 **Fraudulently obtaining benefits -- Penalties -- Audit requirement -- Annual report.**

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

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

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

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

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

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

45 [(2)] (3) This section shall be enforced without regard to race, religion, gender, ethnicity, or
 46 national origin.

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

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

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

51 [(i) are necessary for the treatment of an emergency medical condition, as defined in
 52 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and]

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

54 [(c) short-term, noneash, in-kind emergency disaster relief;]

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

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

62 [(i) deliver in-kind services at the community level, including through public or

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

97 ~~[(iii) a promise grant described in Section 53H-11-414; or]~~
98 ~~[(iv) a scholarship:]~~
99 ~~[(A) for an individual who is a graduate of a high school located within Utah; and]~~
100 ~~[(B) administered by an institution of higher education as defined in Section~~
101 ~~53H-1-101.]~~

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

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

106 (ii) the applicant is:

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

108 (B) lawfully present in the United States.

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

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

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

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

117 (ii) fraudulently obtaining:

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

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

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

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

130 (7)(a) An agency or political subdivision may adopt variations to the requirements of

131 this section that:

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

133 ~~[(b)]~~ (ii) provide for adjudication of unique individual circumstances where the

134 verification procedures in this section would impose an unusual hardship on a

135 legal resident of Utah.

136 (b) An agency or political subdivision may not adopt variations under Subsection (7)(a)

137 that expand eligibility of public benefits to individuals without lawful presence in the

138 United States.

139 (8)(a) Notwithstanding any other provision of state law, an agency or political

140 subdivision of the state may not provide a state or local public benefit that is funded

141 by state or local funds, including non-emergency medical health care, local- or

142 state-administered health care or health insurance, housing assistance, food

143 assistance, cash benefits, tuition assistance, or other state or locally funded public

144 assistance programs, to an applicant who is not a qualified alien or who is without

145 lawful presence in the United States.

146 (b) ~~[It is unlawful for an-]~~ An agency or a political subdivision of this state [tø] may not

147 provide a state, local, or federal benefit, as defined in 8 U.S.C. [Sec.] Secs. 1611 and

148 1621, in violation of this section.

149 (c) Nothing in this Subsection (8) prevents an agency or political subdivision from

150 providing emergency medical health care, mental health care crisis services, or

151 temporary disaster shelter to an individual in the state regardless of lawful status.

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

153 shall:

154 (a) provide an annual report to the governor, the president of the Senate, and the speaker

155 of the House of Representatives regarding~~[-its-]~~ :

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

157 (ii) the number and type of the state or local public benefit for which an applicant

158 applied and was denied, if the agency or department denied the applicant benefits

159 because the applicant was not a qualified alien or lawfully present in the United

160 States;

161 (b)(i) monitor the federal SAVE program for application verification errors and

162 significant delays;

163 (ii) provide an annual report on the errors and delays to ensure that the application of

164 the federal SAVE program is not erroneously denying a state or local benefit to a

- 165 legal resident of the state; and
- 166 (iii) report delays and errors in the federal SAVE program to the United States
- 167 Department of Homeland Security[-] ; and
- 168 (c) beginning on January 1, 2027, conduct a quarterly audit of each public assistance
- 169 program for compliance with this section.
- 170 (10) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the
- 171 Legislative Auditor General established under Section 36-12-15 shall in any fiscal year
- 172 conduct a biennial audit of each state agency or department described in Subsection (9)
- 173 to determine if the state agency or department is compliant with this section.
- 174 (11)(a) An employee of a state agency or political subdivision who, with willful or
- 175 reckless disregard for the verification requirements under this section, fails to verify
- 176 lawful presence or who fails to maintain records regarding the verification of lawful
- 177 presence, is guilty of an infraction.
- 178 (b) The penalties in this section are in addition to existing law.
- 179 (12) An executive director of a state agency or department who is vested with responsibility
- 180 to administer or make policy for a state agency, and who knowingly violates or allows
- 181 an employee to violate this section, may be subject to removal from office in accordance
- 182 with the state agency's or department's procedures.
- 183 Section 2. Section **76-14-207** is amended to read:
- 184 **76-14-207 . Proof of immigration status required to receive public benefits.**
- 185 (1)(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.
- 186 1621 shall comply with Section 63G-12-402 and shall also comply with this section[-;
- 187 except:].
- 188 [(i) as provided in Subsection 63G-12-402(3)(g) or (k); or]
- 189 [(ii) when compliance is exempted by federal law or when compliance could
- 190 reasonably be expected to be grounds for the federal government to withhold
- 191 federal Medicaid funding.]
- 192 (b) The agency shall verify an individual's lawful presence in the United States by
- 193 requiring that the applicant under this section sign a certificate under penalty of
- 194 perjury, stating that the applicant:
- 195 (i) is a United States citizen; or
- 196 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.
- 197 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer
- 198 that providing false information subjects the signer to penalties for perjury.

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

220 **Section 3. Effective Date.**

221 This bill takes effect on May 6, 2026.