

SECOND REGULAR SESSION

HOUSE BILL NO. 2468

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHELPS.

5921H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 208.009, RSMo, and to enact in lieu thereof one new section relating to public assistance benefits.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 208.009, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.009, to read as follows:

208.009. 1. **An individual who is not a United States citizen or a national of the United States shall be not eligible to receive food assistance through the Supplemental Nutrition Assistance Program (SNAP), unless such individual meets the definition of an eligible alien under 7 U.S.C. 2015(f) and meets the definition of a qualified alien under 8 U.S.C. 1641(b).**

2. **An individual who is not a United States citizen or a national of the United States shall not be eligible to receive medical assistance through MO HealthNet, unless that individual meets the definition of an eligible alien under 42 U.S.C. 1396b(v) and meets the definition of a qualified alien under 8 U.S.C. 1641(b).**

3. No alien unlawfully present in the United States shall receive any state or local public benefit, except for state or local public benefits that may be offered under 8 U.S.C. 1621(b). Nothing in this section shall be construed to prohibit the rendering of emergency medical care, prenatal care, services offering alternatives to abortion, emergency assistance, or legal assistance to any person.

[2-] 4. As used in this section, "public benefit" means any grant, contract, or loan provided by an agency of state or local government; or any retirement, welfare, health, disability, housing, or food assistance benefit under which payments, assistance, credits, or

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 reduced rates or fees are provided. The term "public benefit" shall not include postsecondary
19 education public benefits as defined in section 173.1110, any municipal permit, or contracts
20 or agreements between public utility providers and their customers or unemployment benefits
21 payable under chapter 288. The unemployment compensation program shall verify the lawful
22 presence of an alien for the purpose of determining eligibility for benefits in accordance with
23 its own procedures.

24 ~~[3-]~~ **5.** In addition to providing proof of other eligibility requirements, at the time of
25 application for any state or local public benefit, an applicant ~~[who is eighteen years of age or~~
26 ~~older]~~ shall provide affirmative proof that the applicant is a **United States citizen [or a**
27 ~~permanent resident of the United States or is lawfully present in the United States], United~~
28 **States national, or alien with an immigration status eligible for public benefits.** Such
29 affirmative proof shall include documentary evidence recognized by the department of
30 revenue when processing an application for a driver's license, a Missouri driver's license, as
31 well as any document issued by the federal government that confirms an alien's lawful
32 presence in the United States **and alien status that is eligible for public benefits.** ~~[In~~
33 ~~processing applications for public benefits, an employee of an agency of state or local~~
34 ~~government shall not inquire about the legal status of a custodial parent or guardian applying~~
35 ~~for a public benefit on behalf of his or her dependent child who is a citizen or permanent~~
36 ~~resident of the United States.~~

37 ~~4-]~~ **6.** An applicant who cannot provide the proof required under this section at the
38 time of application may alternatively sign an affidavit under oath, attesting to either United
39 States citizenship or classification by the United States as an alien lawfully admitted ~~[for~~
40 ~~permanent residence]~~ **and eligible for public benefits,** in order to receive temporary benefits
41 or a temporary identification document as provided in this section. The affidavit shall be on
42 or consistent with forms prepared by the state or local government agency administering the
43 state or local public benefits and shall include the applicant's Social Security number or any
44 applicable federal identification number and an explanation of the penalties under state law
45 for obtaining public assistance benefits fraudulently.

46 ~~[5-]~~ **7.** An applicant who has provided the sworn affidavit required under subsection
47 ~~[4]~~ **6** of this section is eligible to receive temporary public benefits as follows:

48 (1) (a) **For the minimum period required under federal or, if no minimum**
49 **period is required under federal law,** for ninety days or until such time that it is determined
50 that the applicant is not lawfully present in the United States **or otherwise ineligible for**
51 **public benefits due to immigration status,** whichever is earlier; or

52 ~~[(2)]~~ (b) Indefinitely if the applicant provides a copy of a completed application for a
53 birth certificate that is pending in Missouri or some other state. An extension granted under
54 this subsection shall terminate upon the applicant's receipt of a birth certificate or a

55 determination that a birth certificate does not exist because the applicant is not a United States
56 citizen.

57 **(2) Failure to submit acceptable documentation establishing United States**
58 **citizenship, United States national status, or alien status eligible for such public benefits**
59 **within the temporary eligibility period shall result in denial or termination of public**
60 **benefits.**

61 **(3) No additional period of eligibility for temporary benefits shall be granted to**
62 **any application who has previously been denied public benefits at any time due to a**
63 **failure to verify United States citizenship, United States national status, or alien status**
64 **eligible for such public benefits.**

65 ~~[6-] 8. An applicant who is an alien shall not receive any state or local public benefit~~
66 ~~unless the alien's lawful presence in the United States is first verified by the federal~~
67 ~~government. State and local agencies administering public benefits in this state shall~~
68 ~~cooperate with the United States Department of Homeland Security in achieving verification~~
69 ~~of an alien's lawful presence in the United States in furtherance of this section. The system~~
70 ~~utilized [may] shall include, but not be limited to, the Systematic Alien Verification for~~
71 ~~Entitlements Program operated by the United States Department of Homeland Security.~~
72 ~~[After an applicant's lawful presence in the United States has been verified through the~~
73 ~~Systematic Alien Verification for Entitlements Program, no additional verification is required~~
74 ~~within the same agency of the state or local government.]~~

75 **9. A match through any electronic or data verification system shall not, by itself,**
76 **be accepted as proof of identity. Every applicant for public benefits shall be required to**
77 **provide documentary proof of United States citizenship, United States national status,**
78 **or alien status eligible for such public benefits under subsection 5 of this section.**

79 ~~[7-] 10. The provisions of this section shall not be construed to require any nonprofit~~
80 ~~organization duly registered with the Internal Revenue Service to enforce the provisions of~~
81 ~~this section, nor does it prohibit such an organization from providing aid.~~

82 ~~[8-] 11. Any agency that administers public benefits shall provide assistance in~~
83 ~~obtaining appropriate documentation to persons applying for public benefits who sign the~~
84 ~~affidavit required by subsection 4 of this section stating they are eligible for such benefits but~~
85 ~~lack the documents required under subsection 3 of this section.~~

86 **12. The MO HealthNet division shall require a field for citizenship or**
87 **immigration status on all presumptive eligibility applications. The division shall require**
88 **hospitals, clinics, and other qualified entities authorized to conduct presumptive**
89 **eligibility determinations to collect and transmit attestations of citizenship or eligible**
90 **immigration status to the division. No presumptive eligibility application shall be**

91 approved unless the applicant certifies that the applicant is a United States citizen,
92 United States national, or alien with eligible immigration status for MO HealthNet.

93 **13. Any agency that administers public benefits shall verify that the applicant or**
94 **enrollee of that public benefit is a United States citizen, United States national, or an**
95 **eligible alien for such public benefit through the Systematic Alien Verification for**
96 **Entitlements Program operated by the United States Department of Homeland Security**
97 **and any other verification system at the time of application, at each eligibility**
98 **redetermination, and whenever information is received indicating a change in**
99 **circumstances affecting eligibility related to citizenship or immigration status.**

100 **(1) If verification confirms that an applicant or enrollee is not lawfully present in**
101 **the United States or no longer qualifies under subsections 1, 2, 3 of this section or any**
102 **successor provision of state and federal law, the agency that administers that public**
103 **benefit shall immediately terminate future benefits and initiate disenrollment, except as**
104 **otherwise permitted for temporary benefits under subsection 6 of this section.**

105 **(2) If any agency that administers public benefits is unable to determine an**
106 **applicant's or enrollee's lawful presence after a Systematic Alien Verification for**
107 **Entitlements Program query or other authorized verification, the agency shall**
108 **immediately suspend approval or continuation of benefits and refer the case to the**
109 **United States Department of Homeland Security or other appropriate federal agency**
110 **for investigation and enforcement action. No public benefits shall be paid or continued**
111 **unless and until lawful presence is conclusively verified, except as otherwise permitted**
112 **for temporary benefits under subsection 6 of this section.**

113 **(3) The appropriate agency for referral for an applicant or enrollee for whom**
114 **any agency is unable to verify lawful presence shall include, but not be limited to, the**
115 **United States Department of Agriculture.**

116 **14. When administering SNAP benefits, the department of social services shall:**

117 **(1) Consider the entire income and financial resources of any individual**
118 **rendered ineligible to receive SNAP benefits under subsection 1 of this section when**
119 **determining the eligibility and benefit allotment of the household of which such**
120 **individual is a member; and**

121 **(2) Notwithstanding any options provided under 7 C.F.R. Section 273.11(c)(3),**
122 **not prorate or exclude the income or financial resources of ineligible individuals under**
123 **subsection 1 of this section. All such income and resources shall be fully considered.**

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