

# SENATE BILL NO. 1616

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

7025S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 208.009, RSMo, and to enact in lieu thereof one new section relating to restricting the availability of public benefits to United States citizens.

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Section A. Section 208.009, RSMo, is repealed and one new  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

208.009. 1. **No individual who is not a United States**  
2 **citizen or national of the United States shall be eligible**  
3 **to receive food assistance through the Supplemental**  
4 **Nutrition Assistance Program (SNAP), unless that individual**  
5 **meets the definition of an eligible alien pursuant to 7**  
6 **U.S.C. 2015(f) and meets the definition of a qualified alien**  
7 **pursuant to 8 U.S.C. 1641(b).**

8 2. **No individual who is not a United States citizen or**  
9 **national of the United States shall be eligible to receive**  
10 **medical assistance through MO HealthNet, unless that**  
11 **individual meets the definition of an eligible alien**  
12 **pursuant to 42 U.S.C. 1396b(v) and meets the definition of a**  
13 **qualified alien pursuant to 8 U.S.C. 1641(b).**

14 3. **No alien unlawfully present in the United States**  
15 **shall receive any state or local public benefit, except for**  
16 **state or local public benefits that may be offered under 8**  
17 **U.S.C. 1621(b). Nothing in this section shall be construed**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 to prohibit the rendering of emergency medical care,  
19 prenatal care, services offering alternatives to abortion,  
20 emergency assistance, or legal assistance to any person.

21 [2.] 4. As used in this section, "public benefit"  
22 means any grant, contract, or loan provided by an agency of  
23 state or local government; or any retirement, welfare,  
24 health, disability, housing, or food assistance benefit  
25 under which payments, assistance, credits, or reduced rates  
26 or fees are provided. The term "public benefit" shall not  
27 include postsecondary education public benefits as defined  
28 in section 173.1110, any municipal permit, or contracts or  
29 agreements between public utility providers and their  
30 customers or unemployment benefits payable under chapter  
31 288. The unemployment compensation program shall verify the  
32 lawful presence of an alien for the purpose of determining  
33 eligibility for benefits in accordance with its own  
34 procedures.

35 [3.] 5. In addition to providing proof of other  
36 eligibility requirements, at the time of application for any  
37 state or local public benefit, an applicant [who is eighteen  
38 years of age or older] shall provide affirmative proof [that  
39 the applicant is] **they are a United States** citizen [or a  
40 permanent resident of the United States or is lawfully  
41 present in the United States], **a United States national, or  
42 an alien with eligible immigration status for public  
43 benefits.** Such affirmative proof shall include documentary  
44 evidence recognized by the department of revenue when  
45 processing an application for a driver's license, a Missouri  
46 driver's license, as well as any document issued by the  
47 federal government that confirms an alien's lawful presence  
48 in the United States[. In processing applications for  
49 public benefits, an employee of an agency of state or local

50 government shall not inquire about the legal status of a  
51 custodial parent or guardian applying for a public benefit  
52 on behalf of his or her dependent child who is a citizen or  
53 permanent resident of the United States] **and eligible alien**  
54 **status for public benefits.**

55 [4.] 6. An applicant who cannot provide the proof  
56 required under this section at the time of application may  
57 alternatively sign an affidavit under oath, attesting to  
58 either United States citizenship or classification by the  
59 United States as an alien lawfully admitted [for permanent  
60 residence] **that is eligible for public benefits**, in order to  
61 receive temporary benefits or a temporary identification  
62 document as provided in this section. The affidavit shall  
63 be on or consistent with forms prepared by the state or  
64 local government agency administering the state or local  
65 public benefits and shall include the applicant's Social  
66 Security number or any applicable federal identification  
67 number and an explanation of the penalties under state law  
68 for obtaining public assistance benefits fraudulently.

69 [5.] 7. (1) An applicant who has provided the sworn  
70 affidavit required under subsection [4] 6 of this section is  
71 eligible to receive temporary public benefits as follows:

72 [(1)] (a) **For the minimum period required under**  
73 **federal law, or if no minimum period is established under**  
74 **federal law**, for ninety days or until such time that it is  
75 determined that the applicant is not lawfully present in the  
76 United States **or otherwise ineligible for public benefits**  
77 **due to immigration status**, whichever is earlier; or

78 [(2)] (b) Indefinitely if the applicant provides a  
79 copy of a completed application for a birth certificate that  
80 is pending in Missouri or some other state. An extension  
81 granted under this subsection shall terminate upon the

82 applicant's receipt of a birth certificate or a  
83 determination that a birth certificate does not exist  
84 because the applicant is not a United States citizen.

85 **(2) Failure to submit acceptable documentation**  
86 **establishing United States citizenship, United States**  
87 **national status, or alien status eligible for such public**  
88 **benefits within the temporary eligibility period shall**  
89 **result in denial or termination of public benefits.**

90 **(3) No additional period of eligibility for temporary**  
91 **benefits shall be granted to any applicant who has**  
92 **previously been denied public benefits at any time due to a**  
93 **failure to verify United States citizenship, United States**  
94 **national status, or alien status eligible for such public**  
95 **benefits.**

96 **[6.] 8.** An applicant who is an alien shall not receive  
97 any state or local public benefit unless the alien's lawful  
98 presence in the United States is first verified by the  
99 federal government. State and local agencies administering  
100 public benefits in this state shall cooperate with the  
101 United States Department of Homeland Security in achieving  
102 verification of an alien's lawful presence in the United  
103 States in furtherance of this section. The system utilized  
104 **[may] shall include, but not be limited to,** the Systematic  
105 Alien Verification for Entitlements Program operated by the  
106 United States Department of Homeland Security. **[After an**  
107 **applicant's lawful presence in the United States has been**  
108 **verified through the Systematic Alien Verification for**  
109 **Entitlements Program, no additional verification is required**  
110 **within the same agency of the state or local government.]**

111 **9. A match through any electronic or data verification**  
112 **system shall not, by itself, be accepted as proof of**  
113 **identity. Every applicant for public benefits shall be**

114 required to provide documentary proof of United States  
115 citizenship, United States national status, or alien status  
116 eligible for such public benefits pursuant to subsection 5  
117 of this section.

118 [7.] 10. The provisions of this section shall not be  
119 construed to require any nonprofit organization duly  
120 registered with the Internal Revenue Service to enforce the  
121 provisions of this section, nor does it prohibit such an  
122 organization from providing aid.

123 [8.] 11. Any agency that administers public benefits  
124 shall provide assistance in obtaining appropriate  
125 documentation to persons applying for public benefits who  
126 sign the affidavit required by subsection [4] 6 of this  
127 section stating they are eligible for such benefits but lack  
128 the documents required under subsection [3] 5 of this  
129 section.

130 12. The MO HealthNet division shall require a field  
131 for citizenship or immigration status on all presumptive  
132 eligibility applications. The division shall require  
133 hospitals, clinics, and other qualified entities authorized  
134 to conduct presumptive eligibility determinations to collect  
135 and transmit attestations of citizenship or eligible  
136 immigration status to the division. No presumptive  
137 eligibility application shall be approved unless the  
138 applicant certifies that they are a United States citizen,  
139 United States national, or alien with eligible immigration  
140 status for MO HealthNet.

141 13. Any agency that administers public benefits shall  
142 verify that the applicant or enrollee of that public benefit  
143 is a United States citizen, United States national, or an  
144 eligible alien for such public benefit through the  
145 Systematic Alien Verification for Entitlements Program

146 operated by the United States Department of Homeland  
147 Security and any other verification system at the time of  
148 application, at each eligibility redetermination, and  
149 whenever information is received indicating a change in  
150 circumstances affecting eligibility related to citizenship  
151 or immigration status.

152 (1) If verification confirms that an applicant or  
153 enrollee is not lawfully present in the United States or no  
154 longer qualifies pursuant to subsections 1, 2, or 3 of this  
155 section, or any successor provision of state and federal  
156 law, the agency that administers that public benefit shall  
157 immediately terminate future benefits and initiate  
158 disenrollment, except as otherwise permitted for temporary  
159 benefits under subsection 6 of this section.

160 (2) If any agency that administers public benefits is  
161 unable to determine an applicant's or enrollee's lawful  
162 presence after a Systematic Alien Verification for  
163 Entitlements Program query or other authorized verification,  
164 the agency shall immediately suspend approval or  
165 continuation of benefits and refer the case to the United  
166 States Department of Homeland Security or other appropriate  
167 federal agency for investigation and enforcement action. No  
168 public benefits shall be paid or continued unless and until  
169 lawful presence is conclusively verified, except as  
170 otherwise permitted for temporary benefits under subsection  
171 6 of this section.

172 (3) The appropriate agency for referral for an  
173 applicant or enrollee for whom they were unable to verify  
174 lawful presence shall include, but not be limited to, the  
175 United States Department of Agriculture.

176 14. When administering SNAP benefits, the department  
177 of social services shall:

178           (1) Consider the entire income and financial resources  
179 of any individual rendered ineligible to receive SNAP  
180 benefits under subsection 1 of this section when determining  
181 the eligibility and benefit allotment of the household of  
182 which such individual is a member; and

183           (2) Notwithstanding any options provided under 7 CFR  
184 Section 273.11(c)(3), not prorate or exclude the income or  
185 financial resources of ineligible individuals under  
186 subsection 1 of this section. All such income and resources  
187 shall be fully considered.

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