

SENATE BILL NO. 194

BY SENATORS MIGUEZ AND HODGES

1 AN ACT

2 To amend and reenact R.S. 46:233.4, relative to public assistance; to provide for referral of  
3 applicants for assistance who are not valid citizens or immigrants; to require  
4 notification to federal authorities; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:233.4 is hereby amended and reenacted to read as follows:

7 §233.4. Verification of citizenship of applicants for public benefits

8 A. Except as prohibited by federal law, a state agency or political subdivision  
9 shall verify that each applicant who applies for federal, state, or local public benefit  
10 is a person who has been recognized as a citizen of the United States by birthright,  
11 naturalization, or any other method provided for under applicable federal law ~~or~~, has  
12 satisfactory immigration status as a qualified alien as defined in 8 U.S.C. 1641(b) ,or  
13 receives coverage pursuant to 42 U.S.C. 1396b(v)(4).

14 B. For the purposes of Medicaid, Medicare, the Supplemental Nutrition  
15 Assistance Program (SNAP), and any health plan offered through the  
16 Affordable Care Act marketplace, the term "qualified alien" shall be limited to:

17 (1) An alien lawfully admitted for permanent residence as an immigrant,  
18 as defined in 8 U.S.C. 1101(a)(15) and 1101(a)(20), excluding alien visitors,  
19 tourists, diplomats, students, and other individuals admitted temporarily  
20 without intent to abandon a foreign residence.

21 (2) An alien granted the status of Cuban or Haitian entrant, as defined  
22 in Section 501(e) of the Refugee Education Assistance Act of 1980 (Pub. L.

1           96-422).

2                   (3) An individual lawfully residing in the United States pursuant to a  
3                   Compact of Free Association, as referenced in 8 U.S.C. 1612(b)(2)(G).

4                   ~~B.C.~~ For an applicant claiming United States citizenship or satisfactory  
5 immigration status under 8 U.S.C. 1641(b), the state agency or political subdivision  
6 shall make every reasonable effort to ascertain verification of the applicant's  
7 citizenship or immigration status.

8                   D.(1) For any applicant seeking enrollment in Medicaid, the Louisiana  
9                   Department of Health shall provide a single reasonable opportunity period, not  
10                   to exceed the minimum period required under federal law, for verification of  
11                   United States citizenship or satisfactory immigration status as a qualified alien,  
12                   as defined in Subsection B of this Section, when such status cannot be verified  
13                   through available data sources.

14                   (2) Medicaid coverage may be provided provisionally during the  
15                   reasonable opportunity period where required by federal law.

16                   (3) Failure to submit acceptable documentation within the reasonable  
17                   opportunity period required under federal law shall result in denial or  
18                   termination of Medicaid eligibility, subject to required notice.

19                   (4) No additional reasonable opportunity period shall be granted to any  
20                   applicant who has previously been denied eligibility at any time due to a failure  
21                   to verify citizenship or satisfactory immigration status.

22                   (5) The department shall seek any state plan amendment or waiver from  
23                   the Centers for Medicare and Medicaid Services necessary to carry out the  
24                   provisions of this Section.

25                   (6) The department has the discretion to provide emergency healthcare  
26                   services.

27                   ~~E.E.~~ Upon the termination of any reasonable opportunity period to verify  
28 citizenship status or receipt of a final verification that indicates that the applicant is  
29 not a United States citizen or lacks satisfactory immigration status and has entered  
30 the United States without inspection or admission or remained beyond the expiration

1 of his authorized period of stay, the state agency or political subdivision shall:

2 (1) Refer the applicant's information, including unsatisfactory immigration  
3 status, to United States Immigration and Customs Enforcement.

4 (2) Provide a monthly report compiling the information pursuant to Paragraph  
5 (1) of this Subsection to the secretary of state for voter list maintenance purposes.

6 (3) Terminate any recurring federal, state, or local public benefits as defined  
7 in Subsection ~~E~~H of this Section.

8 **F. The entire income and financial resources of any individual rendered**  
9 **ineligible for participation in SNAP under 7 U.S.C. 2015(f) and Subsections A**  
10 **and B of this Section shall be considered available to the household and shall be**  
11 **included in determining the eligibility and benefit allotment of the household of**  
12 **which such individual is a member.**

13 ~~D.G.~~ A state agency or political subdivision that administers federal or state  
14 public benefits shall report at the end of each fiscal year to the president of the  
15 Senate, speaker of the House of Representatives, governor, and David R. Poynter  
16 Legislative Research Library on the results of the citizenship verification  
17 requirements of this Section. The report shall include but not be limited to the  
18 number of individuals reported to United States Immigration and Customs  
19 Enforcement and the number of individuals who had public assistance terminated in  
20 accordance with this Section.

21 ~~E.H.~~ For the purposes of this Section, a federal, state, or local public benefit  
22 shall include any retirement, welfare, health, disability, public or assisted housing,  
23 food assistance, unemployment benefit, or any other similar benefit for which  
24 payments or assistance are provided to an individual, household, or family eligibility  
25 unit by an agency of the United States, this state, or a political subdivision of this  
26 state or by appropriated funds of the United States, this state, or a political  
27 subdivision of this state.

28 ~~F.I.~~ For purposes of any benefits paid by any public pension or retirement  
29 system, fund, or plan, the verification of a public employee's United States  
30 citizenship or satisfactory immigration status at the time of their enrollment in a

1 public pension or retirement system, fund, or plan shall satisfy the verification  
2 requirements of Subsection A of this Section.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_