

REFERENCE TITLE: AHCCCS; undocumented individuals

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2362**

Introduced by  
Representatives Sandoval: Aguilar, Austin, Blattman, De Los Santos,  
Mathis, Ortiz, Peshlakai, Seaman, Stahl Hamilton, Villegas

AN ACT

AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 36-2901.10; AMENDING SECTION 36-2903.03, ARIZONA REVISED  
STATUTES; RELATING TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 29, article 1, Arizona Revised  
3 Statutes, is amended by adding section 36-2901.10, to read:

4 36-2901.10. Eligibility for persons without documentation

5 SUBJECT TO AVAILABLE APPROPRIATIONS, A PERSON WHO IS UNABLE TO  
6 PROVIDE DOCUMENTED VERIFICATION OF QUALIFIED ALIEN STATUS MAY APPLY FOR  
7 TITLE XIX ELIGIBILITY UNDER SECTION 36-2901, PARAGRAPH 6, SUBDIVISION (a)  
8 AND, IF OTHERWISE ELIGIBLE FOR TITLE XIX, MAY BE ENROLLED IN THE SYSTEM  
9 AND MAY RECEIVE ALL SERVICES PRESCRIBED IN SECTION 36-2907.

10 Sec. 2. Section 36-2903.03, Arizona Revised Statutes, is amended to  
11 read:

12 36-2903.03. United States citizenship and qualified alien  
13 requirements for eligibility; annual report;  
14 definition

15 A. A person who is applying for eligibility under this chapter  
16 shall provide verification of United States citizenship or documented  
17 verification of qualified alien status. ~~Beginning July 1, 2006,~~ An  
18 applicant who is applying for services pursuant to this chapter shall  
19 provide satisfactory documentary evidence of citizenship or qualified  
20 alien status as required by the federal deficit reduction act of 2005  
21 (P.L. 109-171; 120 Stat. 4; 42 United States Code section 1396b) or any  
22 other applicable federal law or regulation.

23 B. A qualified alien may apply for eligibility pursuant to section  
24 36-2901, paragraph 6, subdivision (a) and, if otherwise eligible for title  
25 XIX, may receive all services pursuant to section 36-2907 if the qualified  
26 alien meets at least one of the following requirements:

- 27 1. Is designated as one of the exception groups under 8 United  
28 States Code section 1613(b).  
29 2. Has been a qualified alien for at least five years.  
30 3. Has been continuously present in the United States since August  
31 21, 1996.

32 C. Notwithstanding any other law, persons who were residing in the  
33 United States under color of law on or before August 21, 1996, and who  
34 were receiving services under this article based on eligibility criteria  
35 established under the supplemental security income program, may apply for  
36 state funded services and, if otherwise eligible for supplemental security  
37 income-medical assistance only coverage except for United States  
38 citizenship or qualified alien requirements, may be enrolled with the  
39 system and receive all services pursuant to section 36-2907.

40 ~~D. A person who is a qualified alien who does not meet the~~  
41 ~~requirements of subsection B of this section or who is a noncitizen who~~  
42 ~~does not claim and provide verification of qualified alien status may~~  
43 ~~apply for title XIX eligibility under section 36-2901, paragraph 6,~~  
44 ~~subdivision (a) and, if otherwise eligible for title XIX, may receive only~~  
45 ~~emergency services pursuant to section 1903(v) of the social security act.~~

1       ~~E.~~ D. In determining the eligibility for all qualified aliens  
2 pursuant to this chapter, the income and resources of any person who  
3 executed an affidavit of support pursuant to section 213A of the  
4 immigration and nationality act on behalf of the qualified alien and the  
5 income and resources of the spouse, if any, of the sponsoring individual  
6 shall be counted at the time of application and for the redetermination of  
7 eligibility for the duration of the attribution period as specified in  
8 federal law.

9       ~~F.~~ E. A person who is a qualified alien or a noncitizen and who is  
10 not eligible for title XIX may receive only emergency services.

11       ~~G.~~ F. On or before September 30 of each year, the administration  
12 shall submit a report to the governor, the president of the senate, the  
13 speaker of the house of representatives and the staff director of the  
14 joint legislative budget committee that includes the following  
15 information:

16           1. The number of individuals for whom the administration verified  
17 immigration status using the systematic alien verification for  
18 entitlements program administered by the United States citizenship and  
19 immigration services.

20           2. The number of documents that were discovered to be fraudulent by  
21 using the systematic alien verification for entitlements program.

22           3. A list of the types of fraudulent documents discovered.

23           4. The number of citizens of the United States who were referred by  
24 the administration for prosecution pursuant to violations of state or  
25 federal law and the number of individuals referred by the administration  
26 for prosecution who were not citizens.

27       ~~H.~~ G. The administration shall provide copies of the report to the  
28 secretary of state ~~and the director of the Arizona state library, archives~~  
29 ~~and public records.~~

30       ~~I.~~ H. For THE purposes of this section, "qualified alien" means an  
31 individual who is one of the following:

32           1. Defined as a qualified alien under 8 United States Code section  
33 1641.

34           2. Defined as a qualified alien by the attorney general of the  
35 United States under the authority of Public Law 104-208, section 501.

36           3. An Indian described in 8 United States Code section  
37 1612(b)(2)(E).