

CHAPTER 65

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 23-1117

BY REPRESENTATIVE(S) Jodeh and Garcia, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Epps, Froelich, Gonzales-Gutierrez, Herod, Joseph, Lindsay, Lindstedt, Mabrey, Ortiz, Ricks, Sharbini, Story, Velasco, Weissman, Woodrow, McCluskie;
also SENATOR(S) Gonzales and Hinrichsen, Moreno.

AN ACT**CONCERNING REQUIREMENTS FOR AFFIDAVITS OF SUPPORT RELATED TO ELIGIBILITY FOR PUBLIC BENEFITS IN COLORADO.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Colorado is home to more than half a million immigrants, including refugees, who make up ten percent of the state's population and play a vital role in our state's cultural fabric and shared prosperity;

(b) People who are lawful permanent residents and receive public benefits are currently prohibited from sponsoring individuals, usually family members, from coming to the United States, leading to unnecessary family separation;

(c) Lawful permanent residents are treated differently under current Colorado law than United States citizens who are allowed to be a sponsor for immigrants; and

(d) Only United States citizens and lawful permanent residents can provide sponsorship for individuals who want to immigrate to the United States. Lawful permanent residents do not include undocumented immigrants who are ineligible for most federal benefits.

SECTION 2. In Colorado Revised Statutes, **amend** 25.5-3-105 as follows:

25.5-3-105. Eligibility of legal immigrants for services. A legal immigrant who

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

is a resident of the state of Colorado shall be eligible to receive services under this part 1 so long as he or she meets the eligibility requirements. As used in this section, "legal immigrant" has the same meaning as described in section 25.5-4-103 (10). As a condition of eligibility for services under this part 1, a legal immigrant shall agree to refrain from executing an affidavit of support for the purpose of sponsoring an alien on or after July 1, 1997, under rules promulgated by the immigration and naturalization service, or any successor agency, during the pendency of such legal immigrant's receipt of services under this part 1. Nothing in this section shall be construed to affect a legal immigrant's eligibility for services under this part 1 based upon such legal immigrant's responsibilities under an affidavit of support entered into before July 1, 1997. THE COUNTY DEPARTMENTS RESPONSIBLE FOR ADMINISTERING BENEFITS PROGRAMS UNDER THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES SHALL IDENTIFY AND REVIEW ALL CURRENT COUNTY GUIDANCE MATERIALS, INCLUDING FORMS, TRAINING MATERIALS, WEBSITES, AND ANY OTHER MATERIALS THAT REFERENCE A PROHIBITION ON SPONSORSHIP AS A CONDITION OF ELIGIBILITY FOR BENEFITS AND SHALL REMOVE ALL SUCH REFERENCES FROM VERBAL AND DIGITAL COMMUNICATIONS AND FROM ALL PHYSICAL MATERIALS CURRENTLY PROVIDED TO APPLICANTS OR BENEFICIARIES.

SECTION 3. In Colorado Revised Statutes, 25.5-5-101, **repeal** (3); and **add** (5) as follows:

25.5-5-101. Mandatory provisions - eligible groups - rules.

(3) ~~Notwithstanding any other provision of this article and articles 4 and 6 of this title 25.5, as a condition of eligibility for medical assistance under this article 5 and articles 4 and 6 of this title 25.5, a person who is lawfully residing in the state shall agree to refrain from executing an affidavit of support for the purpose of sponsoring an alien on or after July 1, 1997, under rules promulgated by the immigration and naturalization service, or any successor agency, during the pendency of the lawfully residing person's receipt of medical assistance. Nothing in this subsection (3) affects a lawfully residing person's eligibility for medical assistance pursuant to this article 5 and articles 4 and 6 of this title 25.5 based upon the lawfully residing person's responsibilities under an affidavit of support entered into before July 1, 1997.~~

(5) THE COUNTY DEPARTMENTS RESPONSIBLE FOR ADMINISTERING BENEFITS PROGRAMS UNDER THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES SHALL IDENTIFY AND REVIEW ALL CURRENT COUNTY GUIDANCE MATERIALS, INCLUDING FORMS, TRAINING MATERIALS, WEBSITES, AND ANY OTHER MATERIALS THAT REFERENCE A PROHIBITION ON SPONSORSHIP AS A CONDITION OF ELIGIBILITY FOR BENEFITS AND SHALL REMOVE ALL SUCH REFERENCES FROM VERBAL AND DIGITAL COMMUNICATIONS AND FROM ALL PHYSICAL MATERIALS CURRENTLY PROVIDED TO APPLICANTS OR BENEFICIARIES.

SECTION 4. In Colorado Revised Statutes, 26-2-111.8, **repeal** (5); and **add** (5.5) as follows:

26-2-111.8. Eligibility of noncitizens for public assistance. (5) ~~As a condition of eligibility for public assistance under this article, a qualified alien shall agree to refrain from executing an affidavit of support for the purpose of sponsoring an alien on or after July 1, 1997, under rules promulgated by the immigration and~~

~~naturalization service or its successor agency during the pendency of the qualified alien's receipt of public assistance. Nothing in this subsection (5) shall be construed to affect a qualified alien's eligibility for public assistance under this article based upon the qualified alien's responsibilities under an affidavit of support entered into before July 1, 1997.~~

(5.5) THE COUNTY DEPARTMENTS RESPONSIBLE FOR ADMINISTERING BENEFITS PROGRAMS UNDER THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES SHALL IDENTIFY AND REVIEW ALL CURRENT COUNTY GUIDANCE MATERIALS, INCLUDING FORMS, TRAINING MATERIALS, WEBSITES, AND ANY OTHER MATERIALS THAT REFERENCE A PROHIBITION ON SPONSORSHIP AS A CONDITION OF ELIGIBILITY FOR BENEFITS AND SHALL REMOVE ALL SUCH REFERENCES FROM VERBAL AND DIGITAL COMMUNICATIONS AND FROM ALL PHYSICAL MATERIALS CURRENTLY PROVIDED TO APPLICANTS OR BENEFICIARIES.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 11, 2023