

REFERENCE TITLE: state; local public benefits; eligibility

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1338

Introduced by
Senator Rogers

AN ACT

AMENDING SECTION 1-502, ARIZONA REVISED STATUTES; RELATING TO PUBLIC PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 1-502, Arizona Revised Statutes, is amended to
3 read:

4 1-502. Eligibility for state or local public benefits;
5 documentation; violations; classification; citizen
6 suits; court costs and attorney fees; definition

7 A. Notwithstanding any other state law and to the extent allowed by
8 federal law, any agency of this state or a political subdivision of this
9 state that administers any state or local public benefit shall require
10 each natural person who applies for the state or local public benefit to
11 submit at least one of the following documents to the entity that
12 administers the state or local public benefit demonstrating lawful
13 presence in the United States:

- 14 1. An Arizona driver license issued after 1996 or an Arizona
15 nonoperating identification license.
- 16 2. A birth certificate or delayed birth certificate issued in any
17 state, territory or possession of the United States.
- 18 3. A United States certificate of birth abroad.
- 19 4. A United States passport.
- 20 5. A foreign passport with a United States visa.
- 21 6. An I-94 form with a photograph.
- 22 7. A United States citizenship and immigration services employment
23 authorization document or refugee travel document.
- 24 8. A United States certificate of naturalization.
- 25 9. A United States certificate of citizenship.
- 26 10. A tribal certificate of Indian blood.
- 27 11. A tribal or bureau of Indian affairs affidavit of birth.

28 B. For the purposes of administering the Arizona health care cost
29 containment system, documentation of citizenship and legal residence shall
30 conform with the requirements of title XIX of the social security act.

31 C. To the extent allowed by federal law, an agency of this state or
32 political subdivision of this state may allow tribal members, the elderly
33 and persons with disabilities or incapacity of the mind or body to provide
34 documentation as specified in section 6036 of the federal deficit
35 reduction act of 2005 (P.L. 109-171; 120 Stat. 81) and related federal
36 guidance in lieu of the documentation required by this section.

37 D. Any person who applies for state or local public benefits shall
38 sign a sworn affidavit stating that the documents presented pursuant to
39 subsection A of this section are true under penalty of perjury.

40 E. Failure to report discovered violations of federal immigration
41 law by an employee of an agency of this state or a political subdivision
42 of this state that administers any state or local public benefit is a
43 class 2 misdemeanor. If that employee's supervisor knew of the failure to
44 report and failed to direct the employee to make the report, the
45 supervisor is guilty of a class 2 misdemeanor.

1 F. This section shall be enforced without regard to race, color,
2 religion, sex, age, disability or national origin.

3 G. Any person who is a resident of this state has standing in any
4 court of record to bring suit against any agent or agency of this state or
5 its political subdivisions to remedy any violation of any provision of
6 this section, including an action for mandamus. Courts shall give
7 preference to actions brought under this section over other civil actions
8 or proceedings pending in the court.

9 H. The court may award court costs and reasonable attorney fees to
10 any person or any official or agency of this state or a county, city, town
11 or other political subdivision of this state that prevails by an
12 adjudication on the merits in a proceeding brought pursuant to this
13 section.

14 I. For the purposes of this section, "state or local public
15 benefit" has the same meaning prescribed in 8 United States Code section
16 1621, except that it does not include commercial or professional licenses,
17 postsecondary education, ~~benefits provided by the public retirement~~
18 ~~systems and plans of this state~~ or services widely available to the
19 general population as a whole.