

Protect Utah Families: Vote NO to HB 88 (Now HB 386)

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Written by: Megan Neuf and Ciriac Alvarez Valle



Important Bill Update!

On Friday, February 27, 2026 portions of Rep. Trevor Lee's HB 88 substituted [key parts](#) of the bill into [HB 386](#) after HB 88 stalled earlier in the week. While these provisions do not include all of HB 88's original proposals, they still carry significant consequences. By restricting access to education benefits and removing certain professional licensing and housing exemptions, HB 386 could create additional barriers for immigrant families and students, limit workforce participation, and increase instability for vulnerable communities across Utah. HB88 in any form is harmful and the substituted bill would restrict access to critical opportunities and supports.

The amended bill passed narrowly and now heads to the Utah Senate.

Please contact your state senators and vote NO to HB 386.

[Take Action Today!](#)

This bill creates serious risks for children, families, and the systems that serve

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them.

H.B. 88: A Sweeping Overhaul of Public Assistance and Immigration Verification

[House Bill 88, Public Assistance Amendments](#), is a broad-reaching policy proposal with the potential to drastically change how public assistance programs are managed throughout the state.

The key focus of this bill is to mandate that all applicants aged 18 and older provide proof of lawful presence for any state, local, or federally funded public assistance programs, including those that have previously been federally exempt.

This verification requirement casts a wide net, encompassing a wide array of important services and benefits. The programs affected by this legislation include, but are not limited to:

- **Health and Medical Services:** This covers essential services such as non-emergency medical care (including services provided by local health departments, such as communicable disease testing and immunizations), as well as local- or state-administered health care and health insurance programs.
- **Housing and Shelter:** Vital programs offering housing assistance, such as housing vouchers and rental assistance, as well as homeless shelters, would fall under this new verification standard.
- **Nutrition and Food Support:** Key federal and state programs designed to combat food insecurity, including WIC (Women, Infants, and Children), and local food pantries, would be subject to the verification mandate.
- **Education and Tuition Support:** State-funded grants and scholarships that provide tuition assistance would also be included, potentially impacting the ability of certain individuals to pursue higher education.
- **Crisis and Support Services:** This bill would even extend to critical, often time-sensitive, crisis support services, such as counseling and assistance provided to victims of domestic violence.

Escalating the Impact: Legal and Administrative Ramifications

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The legislative process has seen the bill evolve through substitutes, expanding its scope and introducing increasingly punitive elements.

The [first substitute to H.B. 88](#) included a measure to repeal the Utah State Children's Health Insurance Program (State CHIP). This would take healthcare coverage from more than 1,600 immigrant children currently enrolled across the state. [\[i\]](#)

A [second substitute](#) intensified the bill's enforcement mechanisms and legal exposure:

- **Removal of Government Immunity and Criminal Penalties:** This provision removes governmental immunity for directors and agencies found to be in violation of the proposed policy and imposes criminal penalties. It also imposes the threat of **possible criminal charges** on public servants who are deemed to have "knowingly" failed to validate an applicant's lawful status. This change imposes a significant personal and professional burden on state employees who administer these programs.
- **Private Right of Action:** The second substitute also introduces a provision granting private taxpayers the right to sue a government agency or its executive director for alleged violations of the verification requirement.
- **Increasing Administrative Burden:** Further, the second substitute includes mandates to each state department administering these programs to conduct quarterly audits of each public assistance program affected by this legislation.

H.B. 88 is more than a policy change; it is a major overhaul of the state social services system. It proposes universal verification requirements, along with strict penalties for both recipients and providers who manage the programs.

HB88 Undermines Community Well-being: It Fails to Deliver on Safety, Strength, or Health

Utah is a state with a significant immigrant population, which makes up 8.9% of all residents, totaling over 300,000 people. Additionally, approximately 181,400 U.S.-born residents (5.8%) live in a household with at least one immigrant parent. While we lack specific Utah data on mixed-status families, national figures indicate that roughly 41,500 U.S. citizen children (4.6% of all U.S. citizen children) have at

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least one undocumented parent. This number rises to 54,900 (6.0%) when including U.S. citizen children with at least one other undocumented family member. [\[iii\]](#)

H.B. 88 goes against our Utah values and will make it so immigrant families can no longer access currently exempt programs. Emergency and public health programs have remained exempt because they have been historically recognized as necessary, humane, and protective of the well-being of all children in our state. Additionally, it puts all Utahns, including state departments, at risk. These risks include:

- **Federal Compliance Concerns:** Many federal programs, such as emergency medical care, food assistance, and public health services, rely on compliance with federal immigration rules. By removing federal exemptions from the state law, the state may risk losing federal funding for these vital programs.
- **Increased Cost and Administrative Burden:** Requiring all state and local agencies to verify the immigration status of every adult applying for benefits imposes an unnecessary and burdensome mandate on local governments and nonprofits receiving these funds, which may lack the resources or training to handle these verifications effectively.
- **Risk of Spreading Diseases:** Denying immunizations and disease testing can jeopardize public health and hinder efforts to prevent disease spread, affecting the entire community.
- **Legal Conflicts:** This bill conflicts with federal law, particularly the Immigration and Nationality Act (INA), by removing the phrase “or where exempted by federal law.” [\[iiii\]](#) The state risks violating federal protections and exemptions for specific individuals and groups, particularly those in humanitarian situations or specific public benefit categories. The second substitute also increases the risk of lawsuits and criminal charges against public employees by removing their government immunity.
- **Impact on Utahns:** People across the state are at risk of being denied services to programs that they are eligible for, such as:
 - Qualified individuals who lack proper identification when receiving services, such as the elderly and homeless, could face denials.
 - U.S. citizen children whose one or more of their parents are now ineligible.
 - Qualified immigrants who face delays or issues with the SAVE system.
 - 1600+ currently enrolled noncitizen children will lose access to

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necessary preventative care, such as well-child visits, immunizations, and dental exams.

Vote NO on H.B. 88

Denying basic services like those described above is not only undermining the dignity and humanity of immigrant communities, it is sending a harmful message to families across our state about who belongs. Additionally, removing access to health coverage would mean that more than 1,600 State CHIP enrollees would be unable to obtain timely care, including well-child visits, vaccinations, preventive care, and disease management services.

We urge every legislator to oppose this harmful bill.

Together, we can ensure that this policy does not move forward. **Take action today by contacting your legislator and urging them to oppose this harmful bill.**

[Take Action Today!](#)

[Download our HB 88 1-Pager](#)

[i] Utah Department of Health & Human Services, [State CHIP](#), January 2026

[ii] American Immigration Council, [Immigrants in Utah](#), 2026

[iii] U.S. Citizenship and Immigration Services, [Immigration Nationality Act](#), 2019