

ASSEMBLY, No. 5416

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 1, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Authorizes provision of comprehensive health care coverage to undocumented immigrant aliens.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/1/2021)

1 AN ACT concerning the provision of comprehensive health care
2 coverage to undocumented immigrant aliens, and amending
3 P.L.1997, c.352.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 2 of P.L.1997, c.352 (C.30:4D-6f) is amended to
9 read as follows:

10 2. a. An eligible alien, as defined in section 3 of P.L.1968,
11 c.413 [(C.30:4D-1 et seq.)] (C.30:4D-3), who [otherwise] meets
12 all relevant eligibility criteria [therefor is] for medical assistance
13 under section 6 of P.L.1968, c.413 (C.30:4D-6), shall be entitled to
14 receive such medical assistance [provided pursuant to section 6 of
15 P.L.1968, c.413 (C.30:4D-6). An alien who] .

16 b. (1) Notwithstanding the provisions of any other law, rule, or
17 regulation to the contrary, and after the Commissioner of Human
18 Services determines that systems have been programmed for the
19 implementation of this subsection, if an undocumented immigrant
20 alien residing in New Jersey does not qualify for medical assistance
21 as an eligible alien [but who is a resident of New Jersey and] under
22 subsection a. of this section, and the alien, but for their immigration
23 status, would otherwise be eligible for medical assistance provided
24 pursuant to section 6 of P.L.1968, c.413 [is] (C.30:4D-6), such
25 alien shall be entitled [only] to [care and services necessary for the
26 treatment of an emergency medical condition as defined in section
27 1903(v)(3) of the federal Social Security Act (42 U.S.C.
28 s.1396b(v)(3))] receive such medical assistance.

29 (2) To the extent allowable, the commissioner shall attempt to
30 maximize federal financial participation in implementing the
31 provisions of this subsection, and shall seek any federal approvals
32 as may be necessary to secure such federal financial participation.
33 If federal financial participation is not available, the benefits and
34 services provided under this subsection shall be financed with State
35 funds only.

36 (3) This subsection shall be implemented only to the extent that
37 it is in compliance with the provisions of section 441(d) of the
38 Personal Responsibility and Work Opportunity Reconciliation Act
39 of 1996 (8 U.S.C. s.1621(d)).

40 (4) As used in this subsection, "undocumented immigrant alien"
41 means an alien who resides in New Jersey, but who is unable to
42 produce documentary evidence to verify their status as an eligible
43 alien, as defined by section 3 of P.L.1968, c.413 (C.30:4D-3), or to
44 show that they are lawfully present in the United States.

45 (cf: P.L.1997, c.352, s.2)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. The Commissioner of Human Services, pursuant to the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.), shall adopt such rules and regulations as are necessary to
4 effectuate the purposes of this act.

5
6 3. This act shall take effect immediately, but remain inoperable
7 until the Commissioner of Human Services receives a determination
8 of federal financial participation regarding the implementation of
9 the provisions of subsection b. of section 2. If federal financial
10 participation is not approved, this act shall become operable with
11 the use of State funds only.

12
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14 STATEMENT

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16 This bill would extend comprehensive health care coverage to
17 undocumented immigrant aliens residing in the State who do not
18 qualify for such coverage under existing law.

19 Although section 411 of the federal Personal Responsibility and
20 Work Opportunity Reconciliation Act of 1996, Pub.L.104-193 (8
21 U.S.C. s.1621) restricts the eligibility of non-qualified aliens for
22 various federal, state, and local benefits, and generally prohibits
23 aliens who are not lawfully present in the United States from
24 obtaining, or from being deemed eligible for, coverage under any
25 federal, state, or local benefits programs, section 411(d) (8 U.S.C.
26 s.1621(d)) provides an exception to this general prohibition, which
27 authorizes a state to enact state-level legislation affirmatively
28 providing for aliens who are not lawfully present in the United
29 States to be eligible for State or local benefits coverage.

30 Using this federal provision as a guide, the bill would amend
31 existing law to expressly authorize an undocumented immigrant
32 alien to obtain full medical assistance coverage, as provided under
33 the State Medicaid program. The bill would specify, however, that
34 undocumented immigrant aliens will only be authorized to obtain
35 full medical assistance coverage if the Commissioner of Human
36 Services has determined that systems have been programmed for the
37 implementation of such coverage.

38 The commissioner would be required to attempt to maximize
39 federal financial participation in relation to the provision of medical
40 assistance to undocumented immigrant aliens and the bill would
41 remain inoperable until the commissioner receives a determination
42 of federal financial participation regarding the bill's provisions.
43 However, if federal financial participation is not available, any such
44 medical assistance would be financed with State funds only.
45 Furthermore, the bill's provisions would be implemented only to
46 the extent that they are in compliance with the applicable provisions
47 of federal law. Finally, the bill directs the commissioner to adopt
48 such rules and regulations as are necessary to effectuate the
49 purposes of the bill.