

**ACT 224**

H.B. NO. 540

A Bill for an Act Relating to Human Services.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that with the enactment of the Personal Responsibility and Work Opportunity Responsibility Act of 1996, Congress stripped away medical assistance and other benefits from income qualified immigrants.

However, a citizen's right to access these benefits were untouched. Despite the fact that scholars, courts, and attorney generals have declared these discriminatory provisions illegal, Hawaii has failed to accord immigrants the equal protections they are entitled.

The legislature further finds that the State's children's health insurance program is expected, upon approval by the federal health care financing administration, to enroll all uninsured children under nineteen whose family's income does not exceed two hundred per cent of the federal poverty level for Hawaii. The 1999 legislature appropriated up to ten per cent from the Hawaii tobacco master settlement agreement to implement the State's children's health insurance program.

The legislature believes that it has an opportunity to not only increase the numbers of uninsured children receiving medical assistance, but to provide medical assistance to all permanent legal immigrant children as well as other children for whom the federal government does not provide medical assistance.

The purpose of this Act is to provide medical assistance, of up to two hundred per cent of the federal poverty level for Hawaii, to persons less than nineteen years of age and who are:

- (1) Legal immigrant residents who arrived after August 22, 1996;
- (2) Permanently residing under color of law; and
- (3) Nonimmigrants from the Trust Territories of the Pacific Islands who are citizens of the Marshall Islands, the Federated States of Micronesia, or Palau, or whenever the federal government does not provide medical assistance.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§346- Medical assistance to other children. The department shall provide state-funded medical assistance, of up to two hundred per cent of the federal poverty level for Hawaii, to persons less than nineteen years of age who are:

- (1) Legal permanent residents who arrived after August 22, 1996;
- (2) Persons who are permanently residing under color of law; and
- (3) Nonimmigrants from the Trust Territories of the Pacific Islands who are citizens of:
  - (A) The Marshall Islands;
  - (B) The Federated States of Micronesia; or
  - (C) Palau, as defined by the Compact of Free Association Act of 1985, P.L. 99-239, or the Compact of Free Association between the United States and the Government of Palau, P.L. 99-658,

who are otherwise eligible for benefits under the State's medicaid programs, including QUEST and the State's children health insurance program, but are ineligible due to restricted eligibility rules imposed by Title XXI of the Social Security Act, the Personal Responsibility and Work Reconciliation Act of 1996, the Compact of Free Association Act of 1985, P.L. 99-239, the Compact of Free Association between the United States and the Government of Palau, P.L. 99-658, or any other provision of federal law denying medical assistance to nonimmigrants who are citizens of the Marshall Islands, the Federated States of Micronesia, or Palau.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on July 1, 2000.

(Approved June 14, 2000.)

**Note**

1. Edited pursuant to HRS §23G-16.5.