E-FILED
10/30/2026 2:36 PM
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

PLAINTIFF'S REPLY EXHIBIT

3

2012 EVEA Verification Requirements Following EVEA's Enactment

2011 Tenn. SB 1325

Enacted, May 21, 2012

Reporter
2012 Tenn. ALS 1061; 2012 Tenn. Pub. Acts 1061; 2012 Tenn. Pub. Ch. 1061; 2011 Tenn. SB 1325

TENNESSEE ADVANCE LEGISLATIVE SERVICE > TENNESSEE 107TH GENERAL ASSEMBLY > PUBLIC CHAPTER NO. 1061 > SENATE BILL NO. 1325

Synopsis

AN ACT to amend Tennessee Code Annotated, Title 4; Title 68 and Title 71, relative to public benefits.

Text

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new, appropriately designated chapter:

4-57-101.

This chapter shall be known and may be cited as the "Eligibility Verification for Entitlements Act".

4-57-102.

As used in this chapter:

(1) "Federal public benefit":

(A) Has the same meaning as provided in *8 U.S.C. Section 1611;* and

(B) Does not mean a benefit listed in *8 U.S.C. Section 1611*(b);

(2) "Political subdivision" means any local governmental entity, including, but not limited to, any municipality, metropolitan government, county, utility district, school district, public building authority, and development district created and existing pursuant to the laws of this state, or any instrumentality of government created by any one (1) or more of the named local governmental entities;

(3) "SAVE program" means the systematic alien verification for entitlements program created pursuant to the federal Immigration Reform and Control Act of 1986 and operated by the United States Department of Homeland Security, or any successor program thereto;

(4) "State governmental entity":

(A) Means a state agency, department, board, commission, and other body which carries out state functions and programs; and

(B) Does not mean a political subdivision; and

(5) "State or local public benefit":

(A) Means any public benefit as defined in *8 U.S.C. Section 1621,* that is provided or administered by a state governmental entity or a local health department; and

(B) Does not mean a benefit listed in *8 U.S.C. Section 1621*(b).

4-57-103.

(a) Except where prohibited by federal law, every state governmental entity and local health department shall verify that each applicant eighteen (18) years of age or older, who applies for a federal, state or local public benefit from the entity or local health department, is a United States citizen or lawfully present in the United States in the manner provided in this chapter.

(b)

(1) As provided in subdivision (b)(2), every state governmental entity or local health department shall include on all forms, electronic or otherwise, and all automated phone systems, a written or verbal statement:

(A) Requiring an applicant for a federal, state or local public benefit to, under penalty of perjury, attest to the applicant's status as either:

(i) A United States citizen; or

(ii) A qualified alien as defined by *8 U.S.C. Section 1641*(b); and

(B) Describing the penalties for violations of this chapter.

(2) Subdivision (b)(1) shall be implemented upon the entity's or local health department's first reprinting of applicable forms or updating of the electronic or automated phone systems, described in subdivision (b)(1), after the effective date of this act.

(c) For an applicant who claims United States citizenship, the entity or local health department shall make every reasonable effort to ascertain verification of the applicant's citizenship, which may include requesting the applicant to present any one (1) of the following:

(1)

(A) A valid Tennessee driver license or photo identification license issued by the Department of Safety; or

(B) A valid driver license or photo identification license from another state where the issuance requirements are at least as strict as those in Tennessee, as determined by the Department of Safety;

(2) An official birth certificate issued by a U.S. state, jurisdiction or territory, including Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, Swains Island, Guam; provided, that Puerto Rican birth certificates issued before July 1, 2010, shall not be recognized under this subdivision (c)(2);

(3) A U.S. government-issued certified birth certificate;

(4) A valid, unexpired U.S. passport;

(5) A U.S. certificate of birth abroad (DS-1350 or FS-545);

(6) A report of birth abroad of a citizen of the U.S. (FS-240);

(7) A certificate of citizenship (N560 or N561);

(8) A certificate of naturalization (N550, N570 or N578);

(9) A U.S. citizen identification card (1-197, 1-179);

(10) Any successor document of subdivisions (c)(4)-

(9) ; or

(11) A social security number that the entity or local health department may verify with the Social Security Administration in accordance with federal law.

(d)

(1) For an applicant who claims qualified alien status, the applicant shall present two (2) forms of documentation of identity and immigration status, as determined by the United States Department of Homeland Security to be acceptable for verification through the SAVE program; provided, no entity or local health department is required to verify such applicant's documents through the SAVE program if two (2) such documents are presented unless otherwise required by federal law.

(2) If an applicant who claims eligibility as a qualified alien is unable to present two (2) forms of documentation as described in subdivision (d)(1), then the applicant shall present at least one (1) such document that the entity or local health department shall then verify through the SAVE program.

(e) Each state governmental entity or local health department shall maintain a copy of all documentation submitted by an applicant for verification in a manner consistent with the entity's or local health department's rules, regulations or policies governing storage or preservation of such documentation.

(f)

(1) Any document submitted pursuant to subsections (c) or (d) shall be presumed to be proof of an individual's eligibility under this chapter until a final verification is received by the state governmental entity or local health department, and no entity or local health department shall delay the distribution of any federal, state or local benefit based solely on the pendency of final verification.

(2) Upon receipt of a final verification that indicates that the applicant is not a United States citizen or qualified alien, the state governmental entity or local health department shall terminate any recurring benefit, and shall pursue any action applicable against the applicant pursuant to Section 4-57-104 or Section 4-57-105.

(g) The verification process required by this section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

4-57-104.

(a) Any natural person eighteen (18) years of age or older who knowingly and willfully makes a false, fictitious or fraudulent statement or representation under this chapter shall be liable under either:

(1) The Tennessee Medicaid False Claims Act, compiled in Sections 71-5-181 -- 71-5-185; or

(2) The False Claims Act, compiled in Chapter 18 of this title.

(b) Any natural person who conspires to defraud the state or any local health department by securing a false claim allowed or paid to another person in violation of this chapter shall be liable under Section 4-18-103(a)(3).

(c) A state governmental entity or local health department shall file, with the attorney general and reporter of this state, a complaint alleging a violation of subsections (a) or (b), as applicable.

(d) Any monies collected pursuant to this section shall be deposited with and utilized by the applicable entity or local health department that filed a complaint pursuant to subsection (c). The applicable entity or local health department shall establish a fund for the deposit of such monies, and shall use such monies for the sole purpose of enforcing this chapter. Any interest accruing on investments and deposits of the fund shall be credited to such fund, shall not revert to any general fund, and shall be carried forward into each subsequent fiscal year.

4-57-105.

A state governmental entity or local health department shall file, with the United States attorney, a complaint alleging a criminal violation of *18 U.S.C. Section 911,* for each person who willfully makes a false, fictitious or fraudulent statement or representation of United States citizenship.

4-57-106.

(a) No state governmental entity or local health department shall provide or offer to provide any federal, state or local public benefit in violation of this chapter.

(b) Each entity and local health department, subject to this chapter, shall include in any annual report to the general assembly, as required by law, a report of its compliance with this chapter through June 30 of each year.

4-57-107.

Unless otherwise provided by federal law, no state governmental entity or local health department shall be prohibited, or in any way restricted, from sending to or receiving from the immigration and naturalization service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

4-57-108.

This chapter shall be interpreted consistently with all federal laws, including but not limited to federal laws regulating immigration, labor, and Medicaid, and all state laws.

4-57-109.

(a) Nothing in this chapter shall be interpreted as limiting a state governmental entity or local health department regarding its current application process for administering a federal, state or local public benefit, including, but not limited to, requesting additional information from the applicant or requiring additional verification of eligibility.

(b) The state shall defray the cost to a local health department of verifying each applicant's status for a benefit.

4-57-110.

This chapter shall not apply to:

(1) Any person applying for benefits who:

(A) Lacks the mental capacity to commit perjury under oath; and

(B) Has not been judicially appointed a guardian or conservator;

(2) Legal services provided by a district public defender, court-appointed counsel, or other counsel for indigent services;

(3) Prenatal care administered by the Department of Health; or

(4) The Special Supplemental Food Program for Women, Infants and Children administered by the Department of Health.

SECTION 2. Tennessee Code Annotated, Section *4-18-103(d)*, is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d) This section does not apply to any controversy involving an amount of less than five hundred dollars ($ 500) in value, unless the controversy arose from a violation of Chapter 57, Part 1 of this title. For purposes of this subsection (d), "controversy" means any one (1) or more false claims submitted by the same person in violation of this chapter.

SECTION 3. All affected state governmental entities are authorized to promulgate rules and regulations to effectuate the purposes of this act. All rules and regulations promulgated by a state governmental entity shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2012, the public welfare requiring it, and shall apply to all applications for benefits submitted to state governmental entities or local health departments on or after October 1, 2012.

History

Approved by the Governor May 21, 2012

Sponsor

By Johnson, Southerland, Beavers, Tracy, Roberts, Bell, Campfield, Ketron, Mr. Speaker Ramsey Substituted for: House Bill No. 1379 By Carr, Maggart, Matheny, Shipley, White, Watson, Sexton, Casada, Don Miller, Floyd, Coley, Weaver, Womick, Campbell, Sparks, Pody, Rich, Hensley, Hill, Hurley, Wirgau, Ragan, Keisling, Gotto, Hall, Butt, Todd, Faison, Ryan Williams, Forgety, Ford, Lollar, Holt, Eldridge, Harry Brooks, Swann, Cobb, Dean, McManus, Hawk, Evans, Powers, Sanderson, Matlock, Halford, Harrison, Elam, Alexander, Kevin Brooks, Dennis, Kent Williams, Haynes

TENNESSEE ADVANCE LEGISLATIVE SERVICE
Copyright © 2026 LexisNexis. All rights reserved.

End of Document