



Substitute Senate Bill No. 369

Public Act No. 22-140

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO DEVELOPMENTAL SERVICES STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17a-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

The Commissioner of Developmental Services may require each applicant seeking employment with (1) the department, [or seeking employment with] (2) a provider licensed or funded by the department, or (3) an individual funded by the department for self-directed services to submit to a check for substantiated complaints in the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k.

Sec. 2. Subsection (a) of section 17a-270 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) There is established a Council on Developmental Services which shall consist of fifteen members appointed as follows: Eight shall be appointed by the Governor, for two-year terms, one of whom shall be a doctor of medicine licensed pursuant to chapter 370 or psychiatrist

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licensed pursuant to chapter 370, one of whom shall be a person with intellectual disability who is receiving services from the Department of Developmental Services and at least two of whom shall be a relative or a guardian of a person with intellectual disability; six shall be appointed by members of the General Assembly for two-year terms, one of whom shall be a relative or guardian of a person with intellectual disability, appointed by the speaker of the House, one of whom shall be appointed by the minority leader of the House, one of whom shall be appointed by the president pro tempore of the Senate, one of whom shall be a relative or guardian of a person with intellectual disability appointed by the majority leader of the House, one of whom shall be appointed by the majority leader of the Senate, and one of whom shall be a relative or guardian of a person with intellectual disability, appointed by the minority leader of the Senate; and one of whom shall be a member of the board of trustees of the Southbury Training School, appointed by said board for a term of one year. No member of the council may serve more than three consecutive terms, except that a member may continue to serve until a successor is appointed. The members of the council shall serve without compensation except for necessary expenses incurred in performing their duties. The Commissioner of Developmental Services or the commissioner's designee shall be an ex-officio member of the Council on Developmental Services without vote and shall attend its meetings. No employee of any state agency engaged in the care or training of persons with intellectual disability shall be eligible for appointment to the council. The council shall appoint annually, from among its members, a chairperson, vice chairperson and secretary. The council may make rules for the conduct of its affairs. The council shall meet at least six times per year and at other times upon the call of the chair or the written request of any two members.

Sec. 3. Section 17a-274 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

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(a) Any Probate Court shall have the power to place any person residing in its district whom it finds to be a person with intellectual disability, as defined in section 1-1g, with the Department of Developmental Services for placement in any appropriate setting which meets the person's habilitative needs in the least restrictive environment available or which can be created within existing resources of the department, in accordance with the provisions of this section and section 17a-276. No person shall be so placed unless the court has found the person has intellectual disability, as defined in section 1-1g, and (1) is unable to provide for himself or herself at least one of the following: Education, habilitation, care for personal health and mental health needs, meals, clothing, safe shelter or protection from harm; (2) has no family or legal representative or other person to care for him or her, or such person's family or legal representative or other person can no longer provide adequate care for him or her; (3) is unable to obtain adequate, appropriate services which would enable such person to receive care, treatment and education or habilitation without placement by a Probate Court; and (4) is not willing to be placed under the custody and control of the Department of Developmental Services or its agents or voluntary admission has been sought by the legal representative of such person and such voluntary admission has been opposed by the protected person or the protected person's next of kin.

(b) A petition to the Probate Court for placement under this section may be filed by any interested party. The petition and all records of Probate Court proceedings held as a result of the filing of such petition shall be confidential and shall not be open to public inspection by or disclosed to any person, except that (1) such records shall be available to (A) the parties in any such case and their counsel, (B) the Department of Developmental Services, and (C) the Office of the Probate Court Administrator; (2) if the court appoints a legal representative, the names of the legal representative and the protected person shall be public; and (3) the court may, after hearing with notice to the respondent, the

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respondent's counsel, the legal representative and the Department of Developmental Services, permit records to be disclosed for cause shown. The petition shall allege that the respondent is a person with intellectual disability and (A) is unable to provide for himself or herself at least one of the following: Education, habilitation, care for personal health and mental health needs, meals, clothing, safe shelter or protection from harm; (B) has no family or legal representative or other person to care for the respondent or the respondent's family or the legal representative or other person can no longer provide adequate care for the respondent; (C) is unable to obtain adequate, appropriate services which would enable the respondent to receive care, treatment and education or habilitation without placement by a Probate Court; and (D) is not willing to be placed under the custody and control of the Department of Developmental Services or its agents or voluntary admission has been sought by the legal representative of the respondent and such voluntary admission has been opposed by the protected person or the protected person's next of kin.

(c) Immediately upon the filing of the petition, the Probate Court shall assign a time, date and place for a hearing, such hearing to be held not later than thirty business days from the date of receipt of the petition. The court shall give notice of the hearing to (1) the petitioner; (2) the respondent; (3) the respondent's legal representative; (4) the respondent's spouse or, if none; (5) the respondent's children or, if none; (6) the respondent's parents or, if none; (7) the respondent's siblings; (8) the Commissioner of Developmental Services, or the commissioner's designee; and (9) at the court's discretion, other persons having an interest in the respondent.

(d) Notice to the respondent and Commissioner of Developmental Services shall include: The names of all persons filing the petition, the allegations made in the petition, the time, date and place of the hearing, and the name, address and telephone number of the attorney who will

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represent the respondent. The notice shall state the right of the respondent to be present at the hearing, to present evidence, to cross-examine witnesses who testify at the hearing, and to an independent diagnostic and evaluative examination by a licensed psychologist of the respondent's own choice, who may testify on the respondent's behalf. If the court finds the respondent is indigent, the notice shall further state the respondent may be represented by counsel of the respondent's own choosing, and, if the court finds the respondent is indigent, that counsel shall be provided without cost. The reasonable compensation for counsel provided to indigent respondents shall be established by, and paid from funds appropriated to, the Judicial Department, however, if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund.

(e) Unless the respondent is represented by counsel, the court shall immediately appoint an attorney to represent the respondent from a list of attorneys admitted to practice in this state provided by the Probate Court Administrator in accordance with regulations adopted by the Probate Court Administrator in accordance with section 45a-77. Such attorney may, unless replaced, attend all examinations preceding the hearing and may copy or inspect any and all reports concerning the respondent.

(f) The court shall appoint a licensed psychologist from a panel of psychologists provided by the Probate Court Administrator to examine the respondent. The psychologist shall prepare a report on a form provided by the Probate Court. Such report shall include a statement as to whether the respondent has intellectual disability and an explanation of how the determination was reached. The explanation shall include the results of a psychological assessment within the past year, an interview or observation of the respondent, and an evaluation of

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adaptive behavior. Such report shall include a statement of the respondent's needs. Duplicate copies of the report shall be filed with the Commissioner of Developmental Services, or the commissioner's designee, and all attorneys of record not less than five days prior to the date of the hearing. The court shall order the psychologist to appear for cross-examination at the request of the respondent if the respondent makes such request not less than three days prior to the date of the hearing.

(g) If the court, after hearing, finds there is clear and convincing evidence that the respondent has intellectual disability and meets the criteria set out in subsection (a) of this section, the court shall order the respondent placed with the Department of Developmental Services for placement in the least restrictive environment available or which can be created within existing resources of the department.

(h) If, after hearing, the court determines that the respondent's need for placement is so critical as to require immediate placement, the court shall order the respondent to be temporarily placed in the most appropriate available placement. The Department of Developmental Services upon receipt of such order shall place the respondent in such setting and shall proceed according to subsection (i) of this section.

(i) The Department of Developmental Services, upon receipt of an order pursuant to subsection (g) of this section, shall arrange for an interdisciplinary team to evaluate the respondent, determine the respondent's priority needs for support services and determine the least restrictive environment in which those needs could be met. The Department of Developmental Services shall place the respondent as soon as possible. If no placement has become available not later than sixty days after the date that the respondent's need for residential support services was determined, the Commissioner of Developmental Services, or the commissioner's designee, shall so advise the court and shall continue to report to the court every thirty days thereafter until an

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appropriate placement is available.

(j) Upon receipt of a report under subsection (i) of this section, the Probate Court, if it determines that the respondent's need is so critical as to require immediate placement, shall order the respondent to be temporarily placed in the most appropriate available placement.

(k) Any person or agency having reasonable cause to believe that a person has intellectual disability and is in need of immediate care and treatment for such person's safety and welfare, which care and treatment is not being provided by such person's family, legal representative or other person responsible for such person's care, shall make a written report to the Commissioner of Developmental Services. The report shall contain the name and address of the person believed to have intellectual disability and be in need of immediate care and treatment, and such person's family, legal representative or other person responsible for such person's care, and all evidence forming the basis for such belief and shall be signed and dated by the person making such report. The Commissioner of Developmental Services, or the commissioner's designee, shall promptly determine whether there is reasonable cause to believe that the person named in the report has intellectual disability and is in need of immediate care and treatment, which care and treatment is not being provided by such person's family, legal representative or other person responsible for such person's care and if the commissioner, or the commissioner's designee, so determines, shall assume the care and custody of such person. The commissioner or the commissioner's designee shall, within twenty-four hours, excluding Saturdays, Sundays and legal holidays, after assuming the care and custody of such person, file a petition pursuant to subsection (b) of this section in the Probate Court for the district in which such person resided prior to emergency placement. The Probate Court in which such application is filed shall assign a time and place for a hearing pursuant to subsection (c) of this section.

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(l) In the event that any person placed under the provisions of this section is recommended for transfer by the Department of Developmental Services, the department shall proceed as required by subsection (c) of section 17a-210 and shall in addition notify the Probate Court which made the placement.

(m) Any person who wilfully files or attempts to file, or conspires with any person to file a fraudulent or malicious petition for the placement of any person pursuant to this section, shall be guilty of a class D felony.

(n) For the purposes of this section, (1) "interdisciplinary team" means a group of persons appointed by the Commissioner of Developmental Services, or the commissioner's designee, including a social worker, psychologist, nurse, residential programmer, educational or vocational programmer and such other persons as may be appropriate; (2) "intellectual disability" has the same meaning as provided in section 1-1g; (3) "respondent" means a person alleged to be a person with intellectual disability for whom a petition for placement has been filed; and (4) "placement" means placement in a community companion home, community living arrangement, group home, regional facility, other residential facility or residential program for persons with intellectual disability.

Sec. 4. (NEW) (*Effective from passage*) (a) The Department of Developmental Services shall encourage each operator of a residential facility, licensed pursuant to section 17a-227 of the general statutes, to adopt standards and practices that promote energy efficiency and incorporate environmentally friendly construction materials and techniques in the construction of any new residential facility.

(b) Any residential facility licensed pursuant to section 17a-227 of the general statutes may participate in any energy assessment program available under section 16-245m of the general statutes. The owner or

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operator of a residential facility participating in such energy assessment program, or such owner or operator's designee, shall provide a copy of any energy assessment report received by such facility to the Department of Developmental Services not later than ten days after the date such owner or operator receives such report. A copy of an energy assessment report provided to the department pursuant to this subsection shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes.

(c) Not later than July 1, 2023, the Commissioner of Developmental Services shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to public health on (1) the findings of the energy assessments performed on licensed residential facilities pursuant to subsection (b) of this section, and (2) recommendations for energy efficiency improvement in facilities licensed pursuant to section 17a-227 of the general statutes.

Sec. 5. Subsection (g) of section 17a-248g of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(g) Notwithstanding any provision of title 38a relating to the permissible exclusion of payments for services under governmental programs, no such exclusion shall apply with respect to payments made pursuant to section 17a-248, sections 17a-248b to 17a-248f, inclusive, this section and sections 38a-490a and 38a-516a. Except as provided in this subsection, nothing in this section shall increase or enhance coverages provided for within an insurance contract subject to the provisions of section 10-94f, subsection (a) of section 10-94g, [subsection (a) of section 17a-219b, subsection (a) of section 17a-219c,] sections 17a-248, 17a-248b to 17a-248f, inclusive, this section, and sections 38a-490a and 38a-516a.

Sec. 6. Subsection (a) of section 17b-338 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) There is established a Long-Term Care Advisory Council which shall consist of the following: (1) The executive director of the Commission on Women, Children, Seniors, Equity and Opportunity, or the executive director's designee; (2) the State Nursing Home Ombudsman, or the ombudsman's designee; (3) the president of the Coalition of Presidents of Resident Councils, or the president's designee; (4) the executive director of the Legal Assistance Resource Center of Connecticut, or the executive director's designee; (5) the state president of AARP, or the president's designee; (6) one representative of a bargaining unit for health care employees, appointed by the president of the bargaining unit; (7) the president of LeadingAge Connecticut, Inc., or the president's designee; (8) the president of the Connecticut Association of Health Care Facilities, or the president's designee; (9) the president of the Connecticut Association of Residential Care Homes, or the president's designee; (10) the president of the Connecticut Hospital Association or the president's designee; (11) the executive director of the Connecticut Assisted Living Association or the executive director's designee; (12) the executive director of the Connecticut Association for Homecare or the executive director's designee; (13) the president of Connecticut Community Care, Inc. or the president's designee; (14) one member of the Connecticut Association of Area Agencies on Aging appointed by the agency; (15) the president of the Connecticut chapter of the Connecticut Alzheimer's Association; (16) one member of the Connecticut Association of Adult Day Centers appointed by the association; (17) the president of the Connecticut Chapter of the American College of Health Care Administrators, or the president's designee; (18) the president of the Connecticut Council for Persons with Disabilities, or the president's designee; (19) the president of the Connecticut Association of Community Action Agencies, or the president's designee; (20) a personal care attendant appointed by the

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speaker of the House of Representatives; (21) [the president of the Family Support Council, or the president's designee; (22)] a person who, in a home setting, cares for a person with a disability and is appointed by the president pro tempore of the Senate; [(23)] (22) three persons with a disability appointed one each by the majority leader of the House of Representatives, the majority leader of the Senate and the minority leader of the House of Representatives; [(24)] (23) a legislator who is a member of the Long-Term Care Planning Committee; [(25)] (24) one member who is a nonunion home health aide appointed by the minority leader of the Senate; and [(26)] (25) the executive director of the nonprofit entity designated by the Governor in accordance with section 46a-10b to serve as the Connecticut protection and advocacy system or the executive director's designee.

Sec. 7. (NEW) (*Effective from passage*) In determining the amount of payments to be paid by the state under section 17a-246 of the general statutes to any organization or facility which provides employment opportunities or day services, or services in a residential facility, for persons referred by the Departments of Developmental Services, Mental Health and Addiction Services or Social Services, or any other state agency, the total cost allowance for the salary of the director for such organization or facility shall not exceed one hundred twenty-five thousand dollars, except that on and after July 1, 2022, and annually thereafter, the cost allowance for the salary of the director may be increased by an amount not to exceed the percentage increase of any cost of living increase provided under the terms of the contract with the organization or facility.

Sec. 8. (NEW) (*Effective from passage*) In determining the amount of any grant to be paid by the state through the Department of Mental Health and Addiction Services to any grantee organization authorized to provide services to mentally ill persons, the cost allowance for the salary of the director of such grantee organization shall not exceed one

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hundred twenty-five thousand dollars, except that on and after July 1, 2022, and annually thereafter, the cost allowance for the salary of the director may be increased by an amount not to exceed the percentage increase of any cost of living increase provided under the terms of the contract with the grantee organization.

Sec. 9. Section 3-39r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) Notwithstanding any provision of the general statutes, moneys invested in an individual ABLE account, contributions to an individual ABLE account and distributions for qualified disability expenses pursuant to sections 3-39j to 3-39q, inclusive, as amended by this act, shall be disregarded for purposes of determining an individual's eligibility for assistance under the (1) temporary family assistance program, as described in section 17b-112, (2) programs funded under the federal Low Income Home Energy Assistance Program block grant, (3) the state-administered general assistance program, as described in section 17b-191, (4) the optional state supplementation program, as described in section 17b-600, to the extent such invested moneys, contributions and distributions may be disregarded under the federal Supplemental Security Income Program, and (5) any other federally funded assistance or benefit program, including, but not limited to, the state's medical assistance program, whenever such program requires consideration of one or more financial circumstances of an individual for the purpose of determining the individual's eligibility to receive any assistance or benefit or the amount of any assistance or benefit.

(b) Notwithstanding any provision of the general statutes, no moneys invested in the ABLE accounts shall be considered to be an asset for purposes of determining an individual's eligibility for need-based, institutional aid grants offered to an individual at the public eligible educational institutions in the state.

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Sec. 10. Section 3-39j of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

As used in this section and sections 3-39k to 3-39r, inclusive, as amended by this act:

(1) "Achieving a better life experience account" or "ABLE account" means an account established and maintained pursuant to sections 3-39k to 3-39q, inclusive, as amended by this act, for the purposes of paying the qualified disability expenses related to the blindness or disability of a designated beneficiary.

(2) "Deposit" means a deposit, payment, contribution, gift or other transfer of funds.

(3) "Depositor" means any person making a deposit into an ABLE account pursuant to a participation agreement.

(4) "Designated beneficiary" means any eligible individual who [has established an ABLE account under a qualified ABLE program and] is the owner of [such] an ABLE account established under a qualified ABLE program.

(5) "Disability certification" means, with respect to an individual, a certification to the satisfaction of the Secretary of the Treasury of the United States by the individual or the parent or guardian of the individual or an individual establishing an ABLE account pursuant to subsection (g) of section 3-39k, as amended by this act, that (A) certifies that (i) the individual has a medically determinable physical or mental impairment, that results in marked and severe functional limitations, and that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve months, or is blind within the meaning of Section 1614(a)(2) of the Social Security Act, and (ii) such impairment or blindness occurred before the date on

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which the individual attained the age of twenty-six, and (B) includes a copy of the individual's diagnosis relating to the individual's relevant impairment or blindness that is signed by a physician who is licensed pursuant to chapter 370 or, to the extent permitted by federal law, (i) an advanced practice registered nurse who is licensed pursuant to chapter 378, (ii) a physician assistant who is licensed pursuant to chapter 370, or (iii) if the individual's impairment is blindness, an optometrist licensed pursuant to chapter 380.

(6) "Eligible individual" means an individual who is entitled to benefits during a taxable year based on blindness or disability under Title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained the age of twenty-six, provided a disability certification or self-certification with respect to such individual is filed with the State Treasurer for such taxable year.

(7) "Federal ABLÉ Act" means the federal ABLÉ Act of 2014, P.L. 113-295, as amended from time to time.

(8) "Participation agreement" means an agreement between the trust established pursuant to section 3-39k, as amended by this act, and depositors that provides for participation in an ABLÉ account for the benefit of a designated beneficiary.

(9) "Qualified disability expenses" means any expenses related to an eligible individual's blindness or disability that are made for the benefit of an eligible individual who is the designated beneficiary, including the following expenses: Education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other expenses that are approved by the Secretary of the Treasury of the United States under

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regulations adopted by the Secretary pursuant to the federal ABLÉ Act.

(10) "Self-certification" means a certification, under penalty of perjury, to the satisfaction of the Secretary of the Treasury of the United States by an individual establishing an ABLÉ account that (A) certifies that (i) the individual has a medically determinable physical or mental impairment that results in marked and severe functional limitations and that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve months, or is blind within the meaning of Section 1614(a)(2) of the Social Security Act, (ii) such impairment or blindness occurred before the date on which the individual attained the age of twenty-six, and (iii) the person establishing the account is the individual who will be the designated beneficiary of the account or is a person authorized to establish such account under the provisions of subsection (g) of section 3-39k, as amended by this act, and (B) includes the applicable diagnostic code from those listed on Internal Revenue Service Form 5498-QA identifying the individual's impairment.

Sec. 11. Section 3-39k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) The State Treasurer (1) shall establish a qualified ABLÉ program pursuant to the federal ABLÉ Act and sections 3-39j to 3-39q, inclusive, as amended by this act, and (2) may contract with any state with a qualified ABLÉ program established pursuant to the federal ABLÉ Act to provide residents of this state with access to such state's program.

(b) (1) Under the program established pursuant to subdivision (1) of subsection (a) of this section: (A) The State Treasurer shall administer individual ABLÉ accounts to encourage and assist eligible individuals and their families in saving private funds to provide support for eligible individuals, and (B) a person may make contributions to an individual ABLÉ account to meet the qualified disability expenses of the

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designated beneficiary of the account.

(2) For the purposes of such program, there is established within the Office of the State Treasurer the Connecticut Achieving A Better Life Experience Trust. The trust shall constitute an instrumentality of the state and shall perform essential governmental functions, as provided in sections 3-39j to 3-39q, inclusive, as amended by this act. The trust shall receive and hold all payments and deposits intended for ABLE accounts as well as gifts, bequests, endowments or federal, state or local grants and any other funds from public or private sources and all earnings, until disbursed in accordance with sections 3-39j to 3-39q, inclusive, as amended by this act.

(c) (1) The amounts on deposit in the trust shall not constitute property of the state and the trust shall not be construed to be a department, institution or agency of the state. Amounts on deposit in the trust shall not be commingled with state funds and the state shall have no claim to or against, or interest in, such amounts, except as provided in subdivision (2) of this subsection. Any contract entered into by, or any obligation of, the trust shall not constitute a debt or obligation of the state and the state shall have no obligation to any designated beneficiary or any other person on account of the trust and all amounts obligated to be paid from the trust shall be limited to amounts available for such obligation on deposit in the trust. The amounts on deposit in the trust may only be disbursed in accordance with the provisions of sections 3-39j to 3-39q, inclusive, as amended by this act.

(2) The trust shall continue in existence as long as it holds any deposits or other funds or has any obligations and until its existence is terminated by law, and upon termination of the trust, any unclaimed assets of the trust shall return to the state. Property of the trust shall be governed by section 3-61a.

(d) The State Treasurer shall be responsible for the receipt,

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maintenance, administration, investment and disbursements of amounts from the trust. The trust shall not receive deposits in any form other than cash. No depositor or designated beneficiary may direct the investment of any contributions or amounts held in the trust other than in the specific fund options provided for by the trust and shall not direct investments in such specific fund options more than two times in any calendar year. No interest, or portion of any interest, in the program shall be used as security for a loan.

(e) A person may make deposits to an ABLE account to meet the qualified disability expenses of the designated beneficiary of the account, provided the trust and deposits meet the other requirements of this section, the federal ABLE Act and any regulations adopted pursuant to the federal ABLE Act by the Secretary of the Treasury of the United States.

(f) On or before December 31, 2017, and annually thereafter, the State Treasurer shall submit (1) in accordance with the provisions of subsection (a) of section 3-37, a report to the Governor on the operations of the trust, including the receipts, disbursements, assets, investments and liabilities and administrative costs of the trust for the prior fiscal year, and (2) in accordance with the provisions of section 11-4a, a report on the trust and any contract entered into pursuant to subdivision (2) of subsection (a) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to finance and public health, and shall make such report available to each depositor and designated beneficiary. The report required under subdivision (2) of this subsection shall include, but need not be limited to: (A) The number of ABLE accounts; (B) the total amount of contributions to such accounts; (C) the total amount and nature of distributions from such accounts; and (D) a description of issues relating to the abuse of such accounts, if any.

(g) An ABLE account may be established (1) by the eligible

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individual, (2) by a person selected by the eligible individual, or (3) if the eligible individual is unable to establish an ABLE account, on behalf of such individual by, in the following order: Such individual's agent under a power of attorney, a conservator or legal guardian, spouse, parent, sibling, grandparent, or a representative payee appointed for the eligible individual by the Social Security Administration.

Sec. 12. Sections 17a-219a to 17a-219c, inclusive, of the general statutes are repealed. (*Effective October 1, 2022*)

Sec. 13. Sections 20 and 21 of public act 91-11 of the June special session, as amended by sections 7 and 8 of public act 07-238, are repealed. (*Effective from passage*)