



General Assembly

**Substitute Bill No. 376**

February Session, 2022



**AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING ABLE ACCOUNTS.**

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

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 Section 3-39r of the general statutes is repealed and the  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

3 (a) Notwithstanding any provision of the general statutes, moneys  
4 invested in an individual ABLE account, contributions to an individual  
5 ABLE account and distributions for qualified disability expenses  
6 pursuant to sections 3-39j to 3-39q, inclusive, shall be disregarded for  
7 purposes of determining an individual's eligibility for assistance under  
8 the temporary family assistance program, as described in section 17b-  
9 112, programs funded under the federal Low Income Home Energy  
10 Assistance Program block grant, the state-administered general  
11 assistance program, established pursuant to section 17b-190, and any  
12 other federally funded assistance or benefit program, including, but not  
13 limited to, the state's medical assistance program, whenever such  
14 program requires consideration of one or more financial circumstances  
15 of an individual for the purpose of determining the individual's  
16 eligibility to receive any assistance or benefit or the amount of any  
17 assistance or benefit.

18 (b) Notwithstanding any provision of the general statutes, no moneys

19 invested in the ABLE accounts shall be considered to be an asset for  
20 purposes of determining an individual's eligibility for need-based,  
21 institutional aid grants offered to an individual at the public eligible  
22 educational institutions in the state.

23 Sec. 2. Section 3-39j of the 2022 supplement to the general statutes is  
24 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
25 *2022*):

26 As used in this section and sections 3-39k to 3-39r, inclusive:

27 (1) "Achieving a better life experience account" or "ABLE account"  
28 means an account established and maintained pursuant to sections 3-  
29 39k to 3-39q, inclusive, for the purposes of paying the qualified  
30 disability expenses related to the blindness or disability of a designated  
31 beneficiary.

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

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

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

40 (5) "Disability certification" means, with respect to an individual, a  
41 certification to the satisfaction of the Secretary of the Treasury of the  
42 United States by the individual or the parent or guardian of the  
43 individual or an individual establishing an ABLE account pursuant to  
44 subsection (g) of section 3-39k, as amended by this act, that (A) certifies  
45 that (i) the individual has a medically determinable physical or mental  
46 impairment, that results in marked and severe functional limitations,  
47 and that can be expected to result in death or that has lasted or can be  
48 expected to last for a continuous period of not less than twelve months,

49 or is blind within the meaning of Section 1614(a)(2) of the Social Security  
50 Act, and (ii) such impairment or blindness occurred before the date on  
51 which the individual attained the age of twenty-six, and (B) includes a  
52 copy of the individual's diagnosis relating to the individual's relevant  
53 impairment or blindness that is signed by a physician who is licensed  
54 pursuant to chapter 370 or, to the extent permitted by federal law, (i) an  
55 advanced practice registered nurse who is licensed pursuant to chapter  
56 378, (ii) a physician assistant who is licensed pursuant to chapter 370, or  
57 (iii) if the individual's impairment is blindness, an optometrist licensed  
58 pursuant to chapter 380.

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

66 (7) "Federal ABLÉ Act" means the federal ABLÉ Act of 2014, P.L. 113-  
67 295, as amended from time to time.

68 (8) "Participation agreement" means an agreement between the trust  
69 established pursuant to section 3-39k and depositors that provides for  
70 participation in an ABLÉ account for the benefit of a designated  
71 beneficiary.

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

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

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

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

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

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

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

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

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

139 (d) The State Treasurer shall be responsible for the receipt,  
140 maintenance, administration, investment and disbursements of  
141 amounts from the trust. The trust shall not receive deposits in any form  
142 other than cash. No depositor or designated beneficiary may direct the  
143 investment of any contributions or amounts held in the trust other than  
144 in the specific fund options provided for by the trust and shall not direct

145 investments in such specific fund options more than two times in any  
146 calendar year. No interest, or portion of any interest, in the program  
147 shall be used as security for a loan.

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

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

170 (g) An ABLE account may be established (1) by the eligible  
171 individual, (2) by a person selected by the eligible individual, or (3) if  
172 the eligible individual is unable to establish an ABLE account, on behalf  
173 of such individual by, in the following order: Such individual's agent  
174 under a power of attorney, a conservator or legal guardian, spouse,  
175 parent, sibling, grandparent, or a representative payee appointed for the  
176 eligible individual by the Social Security Administration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	3-39r
Sec. 2	<i>July 1, 2022</i>	3-39j
Sec. 3	<i>July 1, 2022</i>	3-39k

**PH**      *Joint Favorable Subst.*