

**SENATE . . . . . No. 756**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act preserving special needs trusts for disabled seniors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/2/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/3/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/7/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/14/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2023</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/2/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/8/2023</i>

**SENATE . . . . . No. 756**

---

---

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 756) of Patricia D. Jehlen, Susannah M. Whipps, Brian W. Murray, Patrick M. O'Connor and other members of the General Court for legislation to preserve special needs trusts for disabled seniors. Health Care Financing.

---

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 773 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act preserving special needs trusts for disabled seniors.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 28 of chapter 118E of the General Laws, as appearing in the 2020 Official  
2 Edition, is hereby amended by adding the following paragraph:-

3           The division shall consider a transfer of assets by an individual age 65 or older or a  
4 transfer made for the sole benefit of an individual age 65 or older into a trust pursuant to 42  
5 U.S.C. 1396p(d)(4)(C), established for the sole benefit of said individual, to be a disposal of  
6 resources for fair market value, to the extent that such resources shall be available, under any  
7 circumstances, to be used by the trustee to provide goods and services to the individual, or to  
8 reimburse such costs, at fair market value.