



General Assembly

January Session, 2025

Raised Bill No. 1476

LCO No. 5666



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

AN ACT CONCERNING THE ABLE ACT.

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

1 Section 1. Section 3-39j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

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

5 (1) "Achieving a better life experience account" or "ABLE account"
6 means an account established and maintained pursuant to [sections 3-
7 39k to 3-39q, inclusive] section 3-39k, as amended by this act, for the
8 purposes of paying the qualified disability expenses [related to the
9 blindness or disability] of a designated beneficiary.

10 (2) "Authorized individual" has the same meaning as provided in
11 Section 529A.

12 [(2)] (3) "Deposit" means a deposit, payment, contribution, gift or
13 other transfer of funds.

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

16 (4) "Authorized individual" means a person or entity who (A) meets
17 the requirements of 26 CFR 1.529A-2 to establish an ABLE account on
18 behalf of an eligible individual, and (B) is authorized by the state's
19 qualified ABLE program to establish or act on behalf of the designated
20 beneficiary with respect to an ABLE account.

21 [(4)] (5) "Designated beneficiary" [means any eligible individual who
22 is the owner of an ABLE account established under a qualified ABLE
23 program] has the same meaning as provided in Section 529A.

24 [(5) "Disability certification" means, with respect to an individual, a
25 certification to the satisfaction of the Secretary of the Treasury of the
26 United States by the individual or the parent or guardian of the
27 individual or an individual establishing an ABLE account pursuant to
28 subsection (g) of section 3-39k that (A) certifies that (i) the individual has
29 a medically determinable physical or mental impairment, that results in
30 marked and severe functional limitations, and that can be expected to
31 result in death or that has lasted or can be expected to last for a
32 continuous period of not less than twelve months, or is blind within the
33 meaning of Section 1614(a)(2) of the Social Security Act, and (ii) such
34 impairment or blindness occurred before the date on which the
35 individual attained the age of twenty-six, and (B) includes a copy of the
36 individual's diagnosis relating to the individual's relevant impairment
37 or blindness that is signed by a physician who is licensed pursuant to
38 chapter 370 or, to the extent permitted by federal law, (i) an advanced
39 practice registered nurse who is licensed pursuant to chapter 378, (ii) a
40 physician assistant who is licensed pursuant to chapter 370, or (iii) if the
41 individual's impairment is blindness, an optometrist licensed pursuant
42 to chapter 380.]

43 (6) "Eligible individual" [means an individual who is entitled to
44 benefits during a taxable year based on blindness or disability under

45 Title II or XVI of the Social Security Act, and such blindness or disability
46 occurred before the date on which the individual attained the age of
47 twenty-six, provided a disability certification or self-certification with
48 respect to such individual is filed with the State Treasurer for such
49 taxable year] has the same meaning as provided in Section 529A.

50 [(7) "Federal ABLÉ Act" means the federal ABLÉ Act of 2014, P.L. 113-
51 295, as amended from time to time.]

52 [(8)] (7) "Participation agreement" means an agreement between the
53 trust established pursuant to section 3-39k, as amended by this act, and
54 [depositors] a designated beneficiary or authorized individual that
55 provides for participation in an ABLÉ account for the benefit of a
56 designated beneficiary.

57 (8) "Qualified ABLÉ program" means any program established and
58 maintained pursuant to Section 529A.

59 (9) "Qualified disability expenses" [means any expenses related to an
60 eligible individual's blindness or disability that are made for the benefit
61 of an eligible individual who is the designated beneficiary, including the
62 following expenses: Education, housing, transportation, employment
63 training and support, assistive technology and personal support
64 services, health, prevention and wellness, financial management and
65 administrative services, legal fees, expenses for oversight and
66 monitoring, funeral and burial expenses, and other expenses that are
67 approved by the Secretary of the Treasury of the United States under
68 regulations adopted by the Secretary pursuant to the federal ABLÉ Act]
69 has the same meaning as provided in Section 529A.

70 [(10) "Self-certification" means a certification, under penalty of
71 perjury, to the satisfaction of the Secretary of the Treasury of the United
72 States by an individual establishing an ABLÉ account that (A) certifies
73 that (i) the individual has a medically determinable physical or mental
74 impairment that results in marked and severe functional limitations and
75 that can be expected to result in death or that has lasted or can be

76 expected to last for a continuous period of not less than twelve months,
77 or is blind within the meaning of Section 1614(a)(2) of the Social Security
78 Act, (ii) such impairment or blindness occurred before the date on which
79 the individual attained the age of twenty-six, and (iii) the person
80 establishing the account is the individual who will be the designated
81 beneficiary of the account or is a person authorized to establish such
82 account under the provisions of subsection (g) of section 3-39k, and (B)
83 includes the applicable diagnostic code from those listed on Internal
84 Revenue Service Form 5498-QA identifying the individual's
85 impairment.]

86 (10) "Section 529A" means Section 529A of the Internal Revenue Code
87 of 1986, and any accompanying regulations issued by the U.S.
88 Department of the Treasury and the Internal Revenue Service, both as
89 amended from time to time.

90 Sec. 2. Section 3-39k of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective from passage*):

92 (a) The State Treasurer (1) shall establish a qualified ABLE program
93 pursuant to [the federal ABLE Act] Section 529A and sections 3-39j to
94 [3-39q] 3-39r, inclusive, as amended by this act, and (2) may contract
95 with any state with a qualified ABLE program [established pursuant to
96 the federal ABLE Act] to provide residents of this state with access to
97 such state's program.

98 (b) (1) Under the program established pursuant to subdivision (1) of
99 subsection (a) of this section: (A) The State Treasurer shall administer
100 individual ABLE accounts to encourage and assist eligible individuals
101 and their families in saving [private] funds to provide support for
102 eligible individuals, (B) a person may make contributions to an
103 individual ABLE account to meet the qualified disability expenses of the
104 designated beneficiary of the account, and (C) the State Treasurer shall
105 designate a director of outreach for the ABLE program from among the
106 existing employees of the office of the State Treasurer, who shall

107 coordinate outreach and marketing efforts concerning ABLÉ accounts.

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

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

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

136 (d) The State Treasurer shall be responsible for the receipt,
137 maintenance, administration, investment and disbursements of

138 amounts from the trust. The trust shall not receive deposits in any form
139 other than cash. No [depositor] authorized individual or designated
140 beneficiary may direct the investment of any contributions or amounts
141 held in the trust other than in the specific fund options provided for by
142 the trust and shall not direct investments in such specific fund options
143 more than two times in any calendar year. No interest, or portion of any
144 interest, in the program shall be used as security for a loan.

145 (e) A person may make deposits to an ABLE account to meet the
146 qualified disability expenses of the designated beneficiary of the
147 account, provided the trust and deposits meet the other requirements of
148 this section [, the federal ABLE Act and any regulations adopted
149 pursuant to the federal ABLE Act by the Secretary of the Treasury of the
150 United States] and Section 529A.

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

167 (g) An ABLE account may be established (1) by the eligible
168 individual, (2) by a person selected by the eligible individual, or (3) if
169 the eligible individual is unable to establish an ABLE account, [on behalf

170 of such individual by, in the following order: Such individual's agent
171 under a power of attorney, a conservator or legal guardian, spouse,
172 parent, sibling, grandparent, or a representative payee appointed for the
173 eligible individual by the Social Security Administration] by an
174 authorized individual.

175 Sec. 3. Section 3-39l of the general statutes is repealed and the
176 following is substituted in lieu thereof (*Effective from passage*):

177 The State Treasurer, on behalf of the trust and for purposes of the
178 trust, may:

179 (1) Receive and invest moneys in the trust in any instruments,
180 obligations, securities or property in accordance with section 3-39m;

181 (2) Establish [consistent] terms for [each] the participation agreement,
182 [bulk deposit, coupon or installment payments] and the administration
183 of ABLÉ accounts, including, but not limited to, (A) the method of
184 payment into an ABLÉ account by payroll deduction, transfer from bank
185 accounts or otherwise, (B) the termination, withdrawal or transfer of
186 payments under an ABLÉ account, including transfers to or from a
187 qualified ABLÉ program established by another state, [pursuant to the
188 federal ABLÉ Act,] (C) penalties for distributions not used [or made in
189 accordance with the federal ABLÉ Act] for qualified disability expenses,
190 and (D) the amount of any charges or fees to be assessed in connection
191 with the administration of the trust;

192 (3) Enter into one or more contractual agreements, including, but not
193 limited to, contracts for legal, actuarial, accounting, custodial, advisory,
194 management, administrative, advertising, marketing and consulting
195 services for the trust and pay for such services from the gains and
196 earnings of the trust;

197 (4) Procure insurance in connection with the trust's property, assets,
198 activities or deposits or contributions to the trust;

199 (5) Apply for, accept and expend gifts, grants or donations from
200 public or private sources to enable the Connecticut Achieving A Better
201 Life Experience Trust to carry out its objectives;

202 (6) Sue and be sued;

203 (7) Establish one or more funds within the trust and maintain
204 separate ABLE accounts for each designated beneficiary; [and]

205 (8) Pay for any fees associated with the administration of individual
206 ABLE accounts; and

207 ~~[(8)]~~ (9) Take any other action necessary to carry out the purposes of
208 sections 3-39j to [3-39q] 3-39r, inclusive, as amended by this act, and
209 incidental to the duties imposed on the State Treasurer pursuant to said
210 sections.

211 Sec. 4. Section 3-39p of the general statutes is repealed and the
212 following is substituted in lieu thereof (*Effective from passage*):

213 The state pledges to [depositors] authorized individuals, designated
214 beneficiaries and any party who enters into contracts with the trust,
215 pursuant to the provisions of sections 3-39j to [3-39q] 3-39r, inclusive, as
216 amended by this act, that the state will not limit or alter the rights under
217 said sections vested in the trust or contract with the trust until such
218 obligations are fully met and discharged and such contracts are fully
219 performed on the part of the trust, provided nothing in this section shall
220 preclude such limitation or alteration if adequate provision is made by
221 law for the protection of such [depositors] authorized individuals and
222 designated beneficiaries pursuant to the obligations of the trust or
223 parties who entered into such contracts with the trust. The trust, on
224 behalf of the state, may include a description of such pledge and
225 undertaking for the state in participation agreements and such other
226 obligations or contracts.

227 Sec. 5. Section 3-39q of the general statutes is repealed and the

228 following is substituted in lieu thereof (*Effective from passage*):

229 The State Treasurer shall take any action necessary to ensure that the
230 trust complies with all applicable requirements of state and federal laws,
231 rules and regulations to the extent necessary for the trust to constitute a
232 qualified ABLE program and be exempt from taxation under [the
233 federal ABLE Act, and any regulations adopted pursuant to the federal
234 ABLE Act by the Secretary of the Treasury of the United States] Section
235 529A.

236 Sec. 6. Section 3-39r of the general statutes is repealed and the
237 following is substituted in lieu thereof (*Effective from passage*):

238 (a) Notwithstanding any provision of the general statutes, to the
239 extent permissible under federal law, moneys invested in an individual
240 ABLE account, contributions to an individual ABLE account and
241 distributions for qualified disability expenses pursuant to sections 3-39j
242 to 3-39q, inclusive, as amended by this act, shall be disregarded for
243 purposes of determining an individual's eligibility for assistance under
244 [the (1) temporary family assistance program, as described in section
245 17b-112, (2) programs funded under the federal Low Income Home
246 Energy Assistance Program block grant, (3) the state-administered
247 general assistance program, as described in section 17b-191, (4) the
248 optional state supplementation program, as described in section 17b-
249 600, to the extent such invested moneys, contributions and distributions
250 may be disregarded under the federal Supplemental Security Income
251 Program, and (5) any other federally funded assistance or benefit
252 program, including, but not limited to, the state's medical assistance
253 program, whenever such program requires consideration of one or
254 more financial circumstances of an individual for the purpose of
255 determining the individual's eligibility to receive any assistance or
256 benefit or the amount of any assistance or benefit] any means-tested
257 public assistance program administered by the state or any political
258 subdivision of the state.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	3-39j
Sec. 2	<i>from passage</i>	3-39k
Sec. 3	<i>from passage</i>	3-39l
Sec. 4	<i>from passage</i>	3-39p
Sec. 5	<i>from passage</i>	3-39q
Sec. 6	<i>from passage</i>	3-39r

Statement of Purpose:

To update the ABLE Act for qualified disability expenses in accordance with federal law.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]