

2025 -- H 5973

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND
HUMAN SERVICES

Introduced By: Representatives Cortvriend, Tanzi, Dawson, Handy, McGaw, and Spears

Date Introduced: February 28, 2025

Referred To: House Finance

(General Treasurer)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-7.2-20.8 of the General Laws in Chapter 42-7.2 entitled "Office
2 of Health and Human Services" is hereby amended to read as follows:

3 **42-7.2-20.8. Creditors.**

4 Notwithstanding any provision of the general or public laws to the contrary, money in the
5 ABLE program shall be exempt from creditor process and shall not be liable to attachment,
6 garnishment, or other process, nor shall it be seized, taken, appropriated or applied by any legal or
7 equitable process or operation of law to pay any debt or liability or any contributor or beneficiary;
8 ~~provided, however, that the state of residency of the designated beneficiary of an ABLE account~~
9 ~~shall be a creditor of such account in the event of the death of the designated beneficiary.~~ Upon
10 death of a designated beneficiary, an agency or instrumentality of state shall not seek payment
11 pursuant to 26 U.S.C § 529A from any ABLE savings trust account or its proceeds for benefits
12 provided to a designated beneficiary, except as required by federal law.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND
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- 1 This act would prohibit the state from seeking reimbursement for expenditures made on
- 2 behalf of disabled Rhode Islanders from an ABLE account after death of the designated beneficiary.
- 3 This act would take effect upon passage.

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