2026 -- H 8184

S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N   A C T

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

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 of 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 the 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.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

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

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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 the death of the designated

3   beneficiary.

4   This act would take effect upon passage.

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