

=====
LC004669
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

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

Introduced By: Senators LaMountain, Burke, Dimitri, Felag, and Quezada

Date Introduced: March 04, 2026

Referred To: Senate Judiciary

(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 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.

=====
LC004669
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND
HUMAN SERVICES

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.

=====
LC004669
=====