

2025 -- S 0731

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

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

Introduced By: Senators LaMountain, Tikoian, Felag, Murray, and Lawson

Date Introduced: March 07, 2025

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 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

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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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