



General Assembly

Amendment

February Session, 2022

LCO No. 5743



Offered by:

SEN. ANWAR, 3rd Dist.
SEN. DUFF, 25th Dist.
REP. STEINBERG, 136th Dist.
SEN. SOMERS, 18th Dist.
SEN. HWANG, 28th Dist.

To: Subst. Senate Bill No. 369

File No. 428

Cal. No. 294

"AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO DEVELOPMENTAL SERVICES STATUTES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 17a-227b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2022*):

5 The Commissioner of Developmental Services may require each
6 applicant seeking employment with (1) the department, [or seeking
7 employment with] (2) a provider licensed or funded by the department,
8 or (3) an individual funded by the department for self-directed services
9 to submit to a check for substantiated complaints in the Department of
10 Children and Families child abuse and neglect registry established

11 pursuant to section 17a-101k.

12 Sec. 2. Subsection (a) of section 17a-270 of the general statutes is
13 repealed and the following is substituted in lieu thereof (*Effective July 1,*
14 *2022*):

15 (a) There is established a Council on Developmental Services which
16 shall consist of fifteen members appointed as follows: Eight shall be
17 appointed by the Governor, for two-year terms, one of whom shall be a
18 doctor of medicine licensed pursuant to chapter 370 or psychiatrist
19 licensed pursuant to chapter 370, one of whom shall be a person with
20 intellectual disability who is receiving services from the Department of
21 Developmental Services and at least two of whom shall be a relative or
22 a guardian of a person with intellectual disability; six shall be appointed
23 by members of the General Assembly for two-year terms, one of whom
24 shall be a relative or guardian of a person with intellectual disability,
25 appointed by the speaker of the House, one of whom shall be appointed
26 by the minority leader of the House, one of whom shall be appointed by
27 the president pro tempore of the Senate, one of whom shall be a relative
28 or guardian of a person with intellectual disability appointed by the
29 majority leader of the House, one of whom shall be appointed by the
30 majority leader of the Senate, and one of whom shall be a relative or
31 guardian of a person with intellectual disability, appointed by the
32 minority leader of the Senate; and one of whom shall be a member of
33 the board of trustees of the Southbury Training School, appointed by
34 said board for a term of one year. No member of the council may serve
35 more than three consecutive terms, except that a member may continue
36 to serve until a successor is appointed. The members of the council shall
37 serve without compensation except for necessary expenses incurred in
38 performing their duties. The Commissioner of Developmental Services
39 or the commissioner's designee shall be an ex-officio member of the
40 Council on Developmental Services without vote and shall attend its
41 meetings. No employee of any state agency engaged in the care or
42 training of persons with intellectual disability shall be eligible for
43 appointment to the council. The council shall appoint annually, from
44 among its members, a chairperson, vice chairperson and secretary. The

45 council may make rules for the conduct of its affairs. The council shall
46 meet at least six times per year and at other times upon the call of the
47 chair or the written request of any two members.

48 Sec. 3. Section 17a-274 of the 2022 supplement to the general statutes
49 is repealed and the following is substituted in lieu thereof (*Effective July*
50 *1, 2022*):

51 (a) Any Probate Court shall have the power to place any person
52 residing in its district whom it finds to be a person with intellectual
53 disability, as defined in section 1-1g, with the Department of
54 Developmental Services for placement in any appropriate setting which
55 meets the person's habilitative needs in the least restrictive environment
56 available or which can be created within existing resources of the
57 department, in accordance with the provisions of this section and
58 section 17a-276. No person shall be so placed unless the court has found
59 the person has intellectual disability, as defined in section 1-1g, and (1)
60 is unable to provide for himself or herself at least one of the following:
61 Education, habilitation, care for personal health and mental health
62 needs, meals, clothing, safe shelter or protection from harm; (2) has no
63 family or legal representative or other person to care for him or her, or
64 such person's family or legal representative or other person can no
65 longer provide adequate care for him or her; (3) is unable to obtain
66 adequate, appropriate services which would enable such person to
67 receive care, treatment and education or habilitation without placement
68 by a Probate Court; and (4) is not willing to be placed under the custody
69 and control of the Department of Developmental Services or its agents
70 or voluntary admission has been sought by the legal representative of
71 such person and such voluntary admission has been opposed by the
72 protected person or the protected person's next of kin.

73 (b) A petition to the Probate Court for placement under this section
74 may be filed by any interested party. The petition and all records of
75 Probate Court proceedings held as a result of the filing of such petition
76 shall be confidential and shall not be open to public inspection by or
77 disclosed to any person, except that (1) such records shall be available

78 to (A) the parties in any such case and their counsel, (B) the Department
79 of Developmental Services, and (C) the Office of the Probate Court
80 Administrator; (2) if the court appoints a legal representative, the names
81 of the legal representative and the protected person shall be public; and
82 (3) the court may, after hearing with notice to the respondent, the
83 respondent's counsel, the legal representative and the Department of
84 Developmental Services, permit records to be disclosed for cause
85 shown. The petition shall allege that the respondent is a person with
86 intellectual disability and (A) is unable to provide for himself or herself
87 at least one of the following: Education, habilitation, care for personal
88 health and mental health needs, meals, clothing, safe shelter or
89 protection from harm; (B) has no family or legal representative or other
90 person to care for the respondent or the respondent's family or the legal
91 representative or other person can no longer provide adequate care for
92 the respondent; (C) is unable to obtain adequate, appropriate services
93 which would enable the respondent to receive care, treatment and
94 education or habilitation without placement by a Probate Court; and (D)
95 is not willing to be placed under the custody and control of the
96 Department of Developmental Services or its agents or voluntary
97 admission has been sought by the legal representative of the respondent
98 and such voluntary admission has been opposed by the protected
99 person or the protected person's next of kin.

100 (c) Immediately upon the filing of the petition, the Probate Court shall
101 assign a time, date and place for a hearing, such hearing to be held not
102 later than thirty business days from the date of receipt of the petition.
103 The court shall give notice of the hearing to (1) the petitioner; (2) the
104 respondent; (3) the respondent's legal representative; (4) the
105 respondent's spouse or, if none; (5) the respondent's children or, if none;
106 (6) the respondent's parents or, if none; (7) the respondent's siblings; (8)
107 the Commissioner of Developmental Services, or the commissioner's
108 designee; and (9) at the court's discretion, other persons having an
109 interest in the respondent.

110 (d) Notice to the respondent and Commissioner of Developmental
111 Services shall include: The names of all persons filing the petition, the

112 allegations made in the petition, the time, date and place of the hearing,
113 and the name, address and telephone number of the attorney who will
114 represent the respondent. The notice shall state the right of the
115 respondent to be present at the hearing, to present evidence, to cross-
116 examine witnesses who testify at the hearing, and to an independent
117 diagnostic and evaluative examination by a licensed psychologist of the
118 respondent's own choice, who may testify on the respondent's behalf. If
119 the court finds the respondent is indigent, the notice shall further state
120 the respondent may be represented by counsel of the respondent's own
121 choosing, and, if the court finds the respondent is indigent, that counsel
122 shall be provided without cost. The reasonable compensation for
123 counsel provided to indigent respondents shall be established by, and
124 paid from funds appropriated to, the Judicial Department, however, if
125 funds have not been included in the budget of the Judicial Department
126 for such purposes, such compensation shall be established by the
127 Probate Court Administrator and paid from the Probate Court
128 Administration Fund.

129 (e) Unless the respondent is represented by counsel, the court shall
130 immediately appoint an attorney to represent the respondent from a list
131 of attorneys admitted to practice in this state provided by the Probate
132 Court Administrator in accordance with regulations adopted by the
133 Probate Court Administrator in accordance with section 45a-77. Such
134 attorney may, unless replaced, attend all examinations preceding the
135 hearing and may copy or inspect any and all reports concerning the
136 respondent.

137 (f) The court shall appoint a licensed psychologist from a panel of
138 psychologists provided by the Probate Court Administrator to examine
139 the respondent. The psychologist shall prepare a report on a form
140 provided by the Probate Court. Such report shall include a statement as
141 to whether the respondent has intellectual disability and an explanation
142 of how the determination was reached. The explanation shall include
143 the results of a psychological assessment within the past year, an
144 interview or observation of the respondent, and an evaluation of
145 adaptive behavior. Such report shall include a statement of the

146 respondent's needs. Duplicate copies of the report shall be filed with the
147 Commissioner of Developmental Services, or the commissioner's
148 designee, and all attorneys of record not less than five days prior to the
149 date of the hearing. The court shall order the psychologist to appear for
150 cross-examination at the request of the respondent if the respondent
151 makes such request not less than three days prior to the date of the
152 hearing.

153 (g) If the court, after hearing, finds there is clear and convincing
154 evidence that the respondent has intellectual disability and meets the
155 criteria set out in subsection (a) of this section, the court shall order the
156 respondent placed with the Department of Developmental Services for
157 placement in the least restrictive environment available or which can be
158 created within existing resources of the department.

159 (h) If, after hearing, the court determines that the respondent's need
160 for placement is so critical as to require immediate placement, the court
161 shall order the respondent to be temporarily placed in the most
162 appropriate available placement. The Department of Developmental
163 Services upon receipt of such order shall place the respondent in such
164 setting and shall proceed according to subsection (i) of this section.

165 (i) The Department of Developmental Services, upon receipt of an
166 order pursuant to subsection (g) of this section, shall arrange for an
167 interdisciplinary team to evaluate the respondent, determine the
168 respondent's priority needs for support services and determine the least
169 restrictive environment in which those needs could be met. The
170 Department of Developmental Services shall place the respondent as
171 soon as possible. If no placement has become available not later than
172 sixty days after the date that the respondent's need for residential
173 support services was determined, the Commissioner of Developmental
174 Services, or the commissioner's designee, shall so advise the court and
175 shall continue to report to the court every thirty days thereafter until an
176 appropriate placement is available.

177 (j) Upon receipt of a report under subsection (i) of this section, the

178 Probate Court, if it determines that the respondent's need is so critical
179 as to require immediate placement, shall order the respondent to be
180 temporarily placed in the most appropriate available placement.

181 (k) Any person or agency having reasonable cause to believe that a
182 person has intellectual disability and is in need of immediate care and
183 treatment for such person's safety and welfare, which care and
184 treatment is not being provided by such person's family, legal
185 representative or other person responsible for such person's care, shall
186 make a written report to the Commissioner of Developmental Services.
187 The report shall contain the name and address of the person believed to
188 have intellectual disability and be in need of immediate care and
189 treatment, and such person's family, legal representative or other person
190 responsible for such person's care, and all evidence forming the basis for
191 such belief and shall be signed and dated by the person making such
192 report. The Commissioner of Developmental Services, or the
193 commissioner's designee, shall promptly determine whether there is
194 reasonable cause to believe that the person named in the report has
195 intellectual disability and is in need of immediate care and treatment,
196 which care and treatment is not being provided by such person's family,
197 legal representative or other person responsible for such person's care
198 and if the commissioner, or the commissioner's designee, so determines,
199 shall assume the care and custody of such person. The commissioner or
200 the commissioner's designee shall, within twenty-four hours, excluding
201 Saturdays, Sundays and legal holidays, after assuming the care and
202 custody of such person, file a petition pursuant to subsection (b) of this
203 section in the Probate Court for the district in which such person resided
204 prior to emergency placement. The Probate Court in which such
205 application is filed shall assign a time and place for a hearing pursuant
206 to subsection (c) of this section.

207 (l) In the event that any person placed under the provisions of this
208 section is recommended for transfer by the Department of
209 Developmental Services, the department shall proceed as required by
210 subsection (c) of section 17a-210 and shall in addition notify the Probate
211 Court which made the placement.

212 (m) Any person who wilfully files or attempts to file, or conspires
213 with any person to file a fraudulent or malicious petition for the
214 placement of any person pursuant to this section, shall be guilty of a
215 class D felony.

216 (n) For the purposes of this section, (1) "interdisciplinary team" means
217 a group of persons appointed by the Commissioner of Developmental
218 Services, or the commissioner's designee, including a social worker,
219 psychologist, nurse, residential programmer, educational or vocational
220 programmer and such other persons as may be appropriate; (2)
221 "intellectual disability" has the same meaning as provided in section 1-
222 1g; (3) "respondent" means a person alleged to be a person with
223 intellectual disability for whom a petition for placement has been filed;
224 and (4) "placement" means placement in a community companion
225 home, community living arrangement, group home, regional facility,
226 other residential facility or residential program for persons with
227 intellectual disability.

228 Sec. 4. (NEW) (*Effective from passage*) (a) The Department of
229 Developmental Services shall encourage each operator of a residential
230 facility, licensed pursuant to section 17a-227 of the general statutes, to
231 adopt standards and practices that promote energy efficiency and
232 incorporate environmentally friendly construction materials and
233 techniques in the construction of any new residential facility.

234 (b) Any residential facility licensed pursuant to section 17a-227 of the
235 general statutes may participate in any energy assessment program
236 available under section 16-245m of the general statutes. The owner or
237 operator of a residential facility participating in such energy assessment
238 program, or such owner or operator's designee, shall provide a copy of
239 any energy assessment report received by such facility to the
240 Department of Developmental Services not later than ten days after the
241 date such owner or operator receives such report. A copy of an energy
242 assessment report provided to the department pursuant to this
243 subsection shall not be subject to disclosure under the Freedom of
244 Information Act, as defined in section 1-200 of the general statutes.

245 (c) Not later than July 1, 2023, the Commissioner of Developmental
246 Services shall report, in accordance with the provisions of section 11-4a
247 of the general statutes, to the joint standing committee of the General
248 Assembly having cognizance of matters relating to public health on (1)
249 the findings of the energy assessments performed on licensed
250 residential facilities pursuant to subsection (b) of this section, and (2)
251 recommendations for energy efficiency improvement in facilities
252 licensed pursuant to section 17a-227 of the general statutes.

253 Sec. 5. Subsection (g) of section 17a-248g of the 2022 supplement to
254 the general statutes is repealed and the following is substituted in lieu
255 thereof (*Effective October 1, 2022*):

256 (g) Notwithstanding any provision of title 38a relating to the
257 permissible exclusion of payments for services under governmental
258 programs, no such exclusion shall apply with respect to payments made
259 pursuant to section 17a-248, sections 17a-248b to 17a-248f, inclusive, this
260 section and sections 38a-490a and 38a-516a. Except as provided in this
261 subsection, nothing in this section shall increase or enhance coverages
262 provided for within an insurance contract subject to the provisions of
263 section 10-94f, subsection (a) of section 10-94g, [subsection (a) of section
264 17a-219b, subsection (a) of section 17a-219c,] sections 17a-248, 17a-248b
265 to 17a-248f, inclusive, this section, and sections 38a-490a and 38a-516a.

266 Sec. 6. Subsection (a) of section 17b-338 of the general statutes is
267 repealed and the following is substituted in lieu thereof (*Effective October*
268 *1, 2022*):

269 (a) There is established a Long-Term Care Advisory Council which
270 shall consist of the following: (1) The executive director of the
271 Commission on Women, Children, Seniors, Equity and Opportunity, or
272 the executive director's designee; (2) the State Nursing Home
273 Ombudsman, or the ombudsman's designee; (3) the president of the
274 Coalition of Presidents of Resident Councils, or the president's designee;
275 (4) the executive director of the Legal Assistance Resource Center of
276 Connecticut, or the executive director's designee; (5) the state president

277 of AARP, or the president's designee; (6) one representative of a
278 bargaining unit for health care employees, appointed by the president
279 of the bargaining unit; (7) the president of LeadingAge Connecticut,
280 Inc., or the president's designee; (8) the president of the Connecticut
281 Association of Health Care Facilities, or the president's designee; (9) the
282 president of the Connecticut Association of Residential Care Homes, or
283 the president's designee; (10) the president of the Connecticut Hospital
284 Association or the president's designee; (11) the executive director of the
285 Connecticut Assisted Living Association or the executive director's
286 designee; (12) the executive director of the Connecticut Association for
287 Homecare or the executive director's designee; (13) the president of
288 Connecticut Community Care, Inc. or the president's designee; (14) one
289 member of the Connecticut Association of Area Agencies on Aging
290 appointed by the agency; (15) the president of the Connecticut chapter
291 of the Connecticut Alzheimer's Association; (16) one member of the
292 Connecticut Association of Adult Day Centers appointed by the
293 association; (17) the president of the Connecticut Chapter of the
294 American College of Health Care Administrators, or the president's
295 designee; (18) the president of the Connecticut Council for Persons with
296 Disabilities, or the president's designee; (19) the president of the
297 Connecticut Association of Community Action Agencies, or the
298 president's designee; (20) a personal care attendant appointed by the
299 speaker of the House of Representatives; (21) [the president of the
300 Family Support Council, or the president's designee; (22)] a person who,
301 in a home setting, cares for a person with a disability and is appointed
302 by the president pro tempore of the Senate; [(23)] (22) three persons with
303 a disability appointed one each by the majority leader of the House of
304 Representatives, the majority leader of the Senate and the minority
305 leader of the House of Representatives; [(24)] (23) a legislator who is a
306 member of the Long-Term Care Planning Committee; [(25)] (24) one
307 member who is a nonunion home health aide appointed by the minority
308 leader of the Senate; and [(26)] (25) the executive director of the
309 nonprofit entity designated by the Governor in accordance with section
310 46a-10b to serve as the Connecticut protection and advocacy system or
311 the executive director's designee.

312 Sec. 7. (NEW) (*Effective from passage*) In determining the amount of
313 payments to be paid by the state under section 17a-246 of the general
314 statutes to any organization or facility which provides employment
315 opportunities or day services, or services in a residential facility, for
316 persons referred by the Departments of Developmental Services, Mental
317 Health and Addiction Services or Social Services, or any other state
318 agency, the total cost allowance for the salary of the director for such
319 organization or facility shall not exceed one hundred twenty-five
320 thousand dollars, except that on and after July 1, 2022, and annually
321 thereafter, the cost allowance for the salary of the director may be
322 increased by an amount not to exceed the percentage increase of any
323 cost of living increase provided under the terms of the contract with the
324 organization or facility.

325 Sec. 8. (NEW) (*Effective from passage*) In determining the amount of
326 any grant to be paid by the state through the Department of Mental
327 Health and Addiction Services to any grantee organization authorized
328 to provide services to mentally ill persons, the cost allowance for the
329 salary of the director of such grantee organization shall not exceed one
330 hundred twenty-five thousand dollars, except that on and after July 1,
331 2022, and annually thereafter, the cost allowance for the salary of the
332 director may be increased by an amount not to exceed the percentage
333 increase of any cost of living increase provided under the terms of the
334 contract with the grantee organization.

335 Sec. 9. Section 3-39r of the general statutes is repealed and the
336 following is substituted in lieu thereof (*Effective July 1, 2022*):

337 (a) Notwithstanding any provision of the general statutes, moneys
338 invested in an individual ABLE account, contributions to an individual
339 ABLE account and distributions for qualified disability expenses
340 pursuant to sections 3-39j to 3-39q, inclusive, as amended by this act,
341 shall be disregarded for purposes of determining an individual's
342 eligibility for assistance under the (1) temporary family assistance
343 program, as described in section 17b-112, (2) programs funded under
344 the federal Low Income Home Energy Assistance Program block grant,

345 (3) the state-administered general assistance program, as described in
346 section 17b-191, (4) the optional state supplementation program, as
347 described in section 17b-600, to the extent such invested moneys,
348 contributions and distributions may be disregarded under the federal
349 Supplemental Security Income Program, and (5) any other federally
350 funded assistance or benefit program, including, but not limited to, the
351 state's medical assistance program, whenever such program requires
352 consideration of one or more financial circumstances of an individual
353 for the purpose of determining the individual's eligibility to receive any
354 assistance or benefit or the amount of any assistance or benefit.

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

360 Sec. 10. Section 3-39j of the 2022 supplement to the general statutes is
361 repealed and the following is substituted in lieu thereof (*Effective July 1,*
362 *2022*):

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

365 (1) "Achieving a better life experience account" or "ABLE account"
366 means an account established and maintained pursuant to sections 3-
367 39k to 3-39q, inclusive, as amended by this act, for the purposes of
368 paying the qualified disability expenses related to the blindness or
369 disability of a designated beneficiary.

370 (2) "Deposit" means a deposit, payment, contribution, gift or other
371 transfer of funds.

372 (3) "Depositor" means any person making a deposit into an ABLE
373 account pursuant to a participation agreement.

374 (4) "Designated beneficiary" means any eligible individual who [has

375 established an ABLÉ account under a qualified ABLÉ program and] is
376 the owner of [such] an ABLÉ account established under a qualified
377 ABLE program.

378 (5) "Disability certification" means, with respect to an individual, a
379 certification to the satisfaction of the Secretary of the Treasury of the
380 United States by the individual or the parent or guardian of the
381 individual or an individual establishing an ABLÉ account pursuant to
382 subsection (g) of section 3-39k, as amended by this act, that (A) certifies
383 that (i) the individual has a medically determinable physical or mental
384 impairment, that results in marked and severe functional limitations,
385 and that can be expected to result in death or that has lasted or can be
386 expected to last for a continuous period of not less than twelve months,
387 or is blind within the meaning of Section 1614(a)(2) of the Social Security
388 Act, and (ii) such impairment or blindness occurred before the date on
389 which the individual attained the age of twenty-six, and (B) includes a
390 copy of the individual's diagnosis relating to the individual's relevant
391 impairment or blindness that is signed by a physician who is licensed
392 pursuant to chapter 370 or, to the extent permitted by federal law, (i) an
393 advanced practice registered nurse who is licensed pursuant to chapter
394 378, (ii) a physician assistant who is licensed pursuant to chapter 370, or
395 (iii) if the individual's impairment is blindness, an optometrist licensed
396 pursuant to chapter 380.

397 (6) "Eligible individual" means an individual who is entitled to
398 benefits during a taxable year based on blindness or disability under
399 Title II or XVI of the Social Security Act, and such blindness or disability
400 occurred before the date on which the individual attained the age of
401 twenty-six, provided a disability certification or self-certification with
402 respect to such individual is filed with the State Treasurer for such
403 taxable year.

404 (7) "Federal ABLÉ Act" means the federal ABLÉ Act of 2014, P.L. 113-
405 295, as amended from time to time.

406 (8) "Participation agreement" means an agreement between the trust

407 established pursuant to section 3-39k, as amended by this act, and
408 depositors that provides for participation in an ABLE account for the
409 benefit of a designated beneficiary.

410 (9) "Qualified disability expenses" means any expenses related to an
411 eligible individual's blindness or disability that are made for the benefit
412 of an eligible individual who is the designated beneficiary, including the
413 following expenses: Education, housing, transportation, employment
414 training and support, assistive technology and personal support
415 services, health, prevention and wellness, financial management and
416 administrative services, legal fees, expenses for oversight and
417 monitoring, funeral and burial expenses, and other expenses that are
418 approved by the Secretary of the Treasury of the United States under
419 regulations adopted by the Secretary pursuant to the federal ABLE Act.

420 (10) "Self-certification" means a certification, under penalty of
421 perjury, to the satisfaction of the Secretary of the Treasury of the United
422 States by an individual establishing an ABLE account that (A) certifies
423 that (i) the individual has a medically determinable physical or mental
424 impairment that results in marked and severe functional limitations and
425 that can be expected to result in death or that has lasted or can be
426 expected to last for a continuous period of not less than twelve months,
427 or is blind within the meaning of Section 1614(a)(2) of the Social Security
428 Act, (ii) such impairment or blindness occurred before the date on which
429 the individual attained the age of twenty-six, and (iii) the person
430 establishing the account is the individual who will be the designated
431 beneficiary of the account or is a person authorized to establish such
432 account under the provisions of subsection (g) of section 3-39k, as
433 amended by this act, and (B) includes the applicable diagnostic code
434 from those listed on Internal Revenue Service Form 5498-QA identifying
435 the individual's impairment.

436 Sec. 11. Section 3-39k of the general statutes is repealed and the
437 following is substituted in lieu thereof (*Effective July 1, 2022*):

438 (a) The State Treasurer (1) shall establish a qualified ABLE program

439 pursuant to the federal ABLE Act and sections 3-39j to 3-39q, inclusive,
440 as amended by this act, and (2) may contract with any state with a
441 qualified ABLE program established pursuant to the federal ABLE Act
442 to provide residents of this state with access to such state's program.

443 (b) (1) Under the program established pursuant to subdivision (1) of
444 subsection (a) of this section: (A) The State Treasurer shall administer
445 individual ABLE accounts to encourage and assist eligible individuals
446 and their families in saving private funds to provide support for eligible
447 individuals, and (B) a person may make contributions to an individual
448 ABLE account to meet the qualified disability expenses of the
449 designated beneficiary of the account.

450 (2) For the purposes of such program, there is established within the
451 Office of the State Treasurer the Connecticut Achieving A Better Life
452 Experience Trust. The trust shall constitute an instrumentality of the
453 state and shall perform essential governmental functions, as provided
454 in sections 3-39j to 3-39q, inclusive, as amended by this act. The trust
455 shall receive and hold all payments and deposits intended for ABLE
456 accounts as well as gifts, bequests, endowments or federal, state or local
457 grants and any other funds from public or private sources and all
458 earnings, until disbursed in accordance with sections 3-39j to 3-39q,
459 inclusive, as amended by this act.

460 (c) (1) The amounts on deposit in the trust shall not constitute
461 property of the state and the trust shall not be construed to be a
462 department, institution or agency of the state. Amounts on deposit in
463 the trust shall not be commingled with state funds and the state shall
464 have no claim to or against, or interest in, such amounts, except as
465 provided in subdivision (2) of this subsection. Any contract entered into
466 by, or any obligation of, the trust shall not constitute a debt or obligation
467 of the state and the state shall have no obligation to any designated
468 beneficiary or any other person on account of the trust and all amounts
469 obligated to be paid from the trust shall be limited to amounts available
470 for such obligation on deposit in the trust. The amounts on deposit in
471 the trust may only be disbursed in accordance with the provisions of

472 sections 3-39j to 3-39q, inclusive, as amended by this act.

473 (2) The trust shall continue in existence as long as it holds any
474 deposits or other funds or has any obligations and until its existence is
475 terminated by law, and upon termination of the trust, any unclaimed
476 assets of the trust shall return to the state. Property of the trust shall be
477 governed by section 3-61a.

478 (d) The State Treasurer shall be responsible for the receipt,
479 maintenance, administration, investment and disbursements of
480 amounts from the trust. The trust shall not receive deposits in any form
481 other than cash. No depositor or designated beneficiary may direct the
482 investment of any contributions or amounts held in the trust other than
483 in the specific fund options provided for by the trust and shall not direct
484 investments in such specific fund options more than two times in any
485 calendar year. No interest, or portion of any interest, in the program
486 shall be used as security for a loan.

487 (e) A person may make deposits to an ABLE account to meet the
488 qualified disability expenses of the designated beneficiary of the
489 account, provided the trust and deposits meet the other requirements of
490 this section, the federal ABLE Act and any regulations adopted
491 pursuant to the federal ABLE Act by the Secretary of the Treasury of the
492 United States.

493 (f) On or before December 31, 2017, and annually thereafter, the State
494 Treasurer shall submit (1) in accordance with the provisions of
495 subsection (a) of section 3-37, a report to the Governor on the operations
496 of the trust, including the receipts, disbursements, assets, investments
497 and liabilities and administrative costs of the trust for the prior fiscal
498 year, and (2) in accordance with the provisions of section 11-4a, a report
499 on the trust and any contract entered into pursuant to subdivision (2) of
500 subsection (a) of this section to the joint standing committees of the
501 General Assembly having cognizance of matters relating to finance and
502 public health, and shall make such report available to each depositor
503 and designated beneficiary. The report required under subdivision (2)

504 of this subsection shall include, but need not be limited to: (A) The
 505 number of ABLE accounts; (B) the total amount of contributions to such
 506 accounts; (C) the total amount and nature of distributions from such
 507 accounts; and (D) a description of issues relating to the abuse of such
 508 accounts, if any.

509 (g) An ABLE account may be established (1) by the eligible
 510 individual, (2) by a person selected by the eligible individual, or (3) if
 511 the eligible individual is unable to establish an ABLE account, on behalf
 512 of such individual by, in the following order: Such individual's agent
 513 under a power of attorney, a conservator or legal guardian, spouse,
 514 parent, sibling, grandparent, or a representative payee appointed for the
 515 eligible individual by the Social Security Administration.

516 Sec. 12. Sections 17a-219a to 17a-219c, inclusive, of the general
 517 statutes are repealed. *(Effective October 1, 2022)*

518 Sec. 13. Sections 20 and 21 of public act 91-11 of the June special
 519 session, as amended by sections 7 and 8 of public act 07-238, are
 520 repealed. *(Effective from passage)"*

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	17a-227b
Sec. 2	<i>July 1, 2022</i>	17a-270(a)
Sec. 3	<i>July 1, 2022</i>	17a-274
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2022</i>	17a-248g(g)
Sec. 6	<i>October 1, 2022</i>	17b-338(a)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>July 1, 2022</i>	3-39r
Sec. 10	<i>July 1, 2022</i>	3-39j
Sec. 11	<i>July 1, 2022</i>	3-39k
Sec. 12	<i>October 1, 2022</i>	Repealer section
Sec. 13	<i>from passage</i>	Repealer section