



General Assembly

**Amendment**

February Session, 2022

LCO No. 4871



Offered by:

SEN. ANWAR, 3<sup>rd</sup> Dist.

REP. STEINBERG, 136<sup>th</sup> 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 Section 17a-227b of the general statutes is repealed and the  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13 repealed and the following is substituted in lieu thereof (*Effective July 1,*  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.

242 (c) Not later than July 1, 2023, the Commissioner of Developmental  
243 Services shall report, in accordance with the provisions of section 11-4a  
244 of the general statutes, to the joint standing committee of the General



245 Assembly having cognizance of matters relating to public health on (1)  
246 the findings of the energy assessments performed on licensed  
247 residential facilities pursuant to subsection (b) of this section, and (2)  
248 recommendations for energy efficiency improvement in facilities  
249 licensed pursuant to section 17a-227 of the general statutes.

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251 the general statutes is repealed and the following is substituted in lieu  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

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

263 Sec. 6. Subsection (a) of section 17b-338 of the general statutes is  
264 repealed and the following is substituted in lieu thereof (*Effective October*  
265 *1, 2022*):

266 (a) There is established a Long-Term Care Advisory Council which  
267 shall consist of the following: (1) The executive director of the  
268 Commission on Women, Children, Seniors, Equity and Opportunity, or  
269 the executive director's designee; (2) the State Nursing Home  
270 Ombudsman, or the ombudsman's designee; (3) the president of the  
271 Coalition of Presidents of Resident Councils, or the president's designee;  
272 (4) the executive director of the Legal Assistance Resource Center of  
273 Connecticut, or the executive director's designee; (5) the state president  
274 of AARP, or the president's designee; (6) one representative of a  
275 bargaining unit for health care employees, appointed by the president  
276 of the bargaining unit; (7) the president of LeadingAge Connecticut,

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

309 Sec. 7. (NEW) (*Effective from passage*) In determining the amount of  
310 payments to be paid by the state under section 17a-246 of the general

311 statutes to any organization or facility which provides employment  
312 opportunities or day services, or services in a residential facility, for  
313 persons referred by the Departments of Developmental Services, Mental  
314 Health and Addiction Services or Social Services, or any other state  
315 agency, the total cost allowance for the salary of the director for such  
316 organization or facility shall not exceed one hundred twenty-five  
317 thousand dollars, except that on and after July 1, 2022, and annually  
318 thereafter, the cost allowance for the salary of the director may be  
319 increased by an amount not to exceed the percentage increase of any  
320 cost of living increase provided under the terms of the contract with the  
321 organization or facility.

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

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

334       (a) Notwithstanding any provision of the general statutes, moneys  
335 invested in an individual ABLE account, contributions to an individual  
336 ABLE account and distributions for qualified disability expenses  
337 pursuant to sections 3-39j to 3-39q, inclusive, as amended by this act,  
338 shall be disregarded for purposes of determining an individual's  
339 eligibility for assistance under the (1) temporary family assistance  
340 program, as described in section 17b-112, (2) programs funded under  
341 the federal Low Income Home Energy Assistance Program block grant,  
342 (3) the state-administered general assistance program, as described in  
343 section 17b-191, (4) the optional state supplementation program, as

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

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

357 Sec. 10. Section 3-39j of the 2022 supplement to the general statutes is  
358 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
359 *2022*):

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

362 (1) "Achieving a better life experience account" or "ABLE account"  
363 means an account established and maintained pursuant to sections 3-  
364 39k to 3-39q, inclusive, as amended by this act, for the purposes of  
365 paying the qualified disability expenses related to the blindness or  
366 disability of a designated beneficiary.

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

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

371 (4) "Designated beneficiary" means any eligible individual who [has  
372 established an ABLE account under a qualified ABLE program and] is  
373 the owner of [such] an ABLE account established under a qualified

374 ABLE program.

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

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

401 (7) "Federal ABLÉ Act" means the federal ABLÉ Act of 2014, P.L. 113-  
402 295, as amended from time to time.

403 (8) "Participation agreement" means an agreement between the trust  
404 established pursuant to section 3-39k, as amended by this act, and  
405 depositors that provides for participation in an ABLÉ account for the

406 benefit of a designated beneficiary.

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

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

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

435 (a) The State Treasurer (1) shall establish a qualified ABLÉ program  
436 pursuant to the federal ABLÉ Act and sections 3-39j to 3-39q, inclusive,  
437 as amended by this act, and (2) may contract with any state with a

438 qualified ABLE program established pursuant to the federal ABLE Act  
439 to provide residents of this state with access to such state's program.

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

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

457 (c) (1) The amounts on deposit in the trust shall not constitute  
458 property of the state and the trust shall not be construed to be a  
459 department, institution or agency of the state. Amounts on deposit in  
460 the trust shall not be commingled with state funds and the state shall  
461 have no claim to or against, or interest in, such amounts, except as  
462 provided in subdivision (2) of this subsection. Any contract entered into  
463 by, or any obligation of, the trust shall not constitute a debt or obligation  
464 of the state and the state shall have no obligation to any designated  
465 beneficiary or any other person on account of the trust and all amounts  
466 obligated to be paid from the trust shall be limited to amounts available  
467 for such obligation on deposit in the trust. The amounts on deposit in  
468 the trust may only be disbursed in accordance with the provisions of  
469 sections 3-39j to 3-39q, inclusive, as amended by this act.

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

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

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

490 (f) On or before December 31, 2017, and annually thereafter, the State  
491 Treasurer shall submit (1) in accordance with the provisions of  
492 subsection (a) of section 3-37, a report to the Governor on the operations  
493 of the trust, including the receipts, disbursements, assets, investments  
494 and liabilities and administrative costs of the trust for the prior fiscal  
495 year, and (2) in accordance with the provisions of section 11-4a, a report  
496 on the trust and any contract entered into pursuant to subdivision (2) of  
497 subsection (a) of this section to the joint standing committees of the  
498 General Assembly having cognizance of matters relating to finance and  
499 public health, and shall make such report available to each depositor  
500 and designated beneficiary. The report required under subdivision (2)  
501 of this subsection shall include, but need not be limited to: (A) The  
502 number of ABLE accounts; (B) the total amount of contributions to such



503 accounts; (C) the total amount and nature of distributions from such  
 504 accounts; and (D) a description of issues relating to the abuse of such  
 505 accounts, if any.

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

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

515 Sec. 13. Sections 20 and 21 of public act 91-11 of the June special  
 516 session, as amended by sections 7 and 8 of public act 07-238, are  
 517 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