



SPONSOR: Rep. Paradee & Sen. Poore  
Reps. Briggs King, Heffernan, Hensley, Hudson,  
Q. Johnson, Kowalko, M. Smith; Sen. Marshall

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 145

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ACHIEVING A BETTER LIFE  
EXPERIENCE SAVINGS ACCOUNTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 96A, Title 16 of the Delaware Code by making deletions as shown by strike through  
2 and insertions as shown by underline as follows:

3 § 9607A. ~~State and local means tested programs.~~ Treatment of accounts.

4 (a) Accounts established pursuant to this chapter or another state's ABLE program shall not be included in  
5 determining asset eligibility of the designated beneficiary for state or local assistance programs.

6 (b) Unless prohibited by federal law, upon the death of a designated beneficiary, proceeds from an account may be  
7 transferred to the estate of a designated beneficiary, or to an account for another eligible individual specified by the  
8 designated beneficiary or the estate of the designated beneficiary.

9 (c) Upon the death of a designated beneficiary, no agency or instrumentality of the State shall seek payment under  
10 § 529A9(f) of the Internal Revenue Code from the account or its proceeds for benefits provided to a designated beneficiary.

SYNOPSIS

ABLE accounts are special savings accounts established for certain persons with disabilities. This bill clarifies the treatment of funds in an ABLE account upon the death of a designated beneficiary. Specifically it prohibits State agencies or instrumentalities from clawing back from the ABLE account any funds it has expended on behalf of a designated beneficiary.