

**SENATE . . . . . No. 2430**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act preserving special needs trusts for disabled seniors.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 28 of chapter 118E of the General Laws, as appearing in the 2018 Official  
2 Edition, is hereby amended by adding at the end thereof the following paragraph:-

3           A transfer by an individual age 65 and over into a trust that conforms to 42 U.S.C.  
4 §1396p(d)(4)(C) established for the sole benefit of said individual shall be considered by the  
5 division as a disposal of resources for fair market value, to the extent that such resources could,  
6 under any circumstances, be used by the trustee to provide goods or services to the individual at  
7 fair market value.