SENATE . . . . No. 773

The Commonwealth of Massachusetts

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PRESENTED BY:

Patricia D. Jehlen

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To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act preserving special needs trusts for disabled seniors.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Patricia D. Jehlen	*Second Middlesex*	
Jason M. Lewis	*Fifth Middlesex*	*2/24/2021*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*3/10/2021*
Mark C. Montigny	*Second Bristol and Plymouth*	*3/10/2021*
Angelo J. Puppolo, Jr.	*12th Hampden*	*3/19/2021*
Bradley H. Jones, Jr.	*20th Middlesex*	*3/22/2021*

SENATE . . . . No. 773

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 773) of Patricia D. Jehlen, Jason M. Lewis, Walter F. Timilty, Mark C. Montigny and other members of the General Court for legislation to preserve special needs trusts for disabled seniors. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2430* OF 2019-2020.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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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.