

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 128**

**Senators Brenner, Roegner**

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To amend sections 113.51 and 113.53 of the Revised Code regarding Ohio ABLE accounts and to make an appropriation. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 113.51 and 113.53 of the Revised Code be amended to read as follows: 4  
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**Sec. 113.51.** (A) The treasurer of state shall implement and administer a program under the terms and conditions established under sections 113.50 to 113.56 of the Revised Code. For that purpose, the treasurer shall do all of the following: 6  
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(1) Develop and implement the program in a manner consistent with the provisions of sections 113.50 to 113.56 of the Revised Code; 10  
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(2) Engage the services of consultants on a contract basis for rendering professional and technical assistance and advice; 13  
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(3) Seek rulings and other guidance from the secretary and the internal revenue service relating to the program; 15  
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(4) Make modifications to the program as necessary for participants in the program to qualify for the federal income tax benefits or treatment provided under section 529A of the 17  
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| Internal Revenue Code or rules adopted thereunder;   | 20                         |
| (5) Impose and collect administrative fees and service charges in connection with any agreement or transaction relating to the program;  | 21<br>22<br>23             |
| (6) Develop marketing plans and promotional materials to publicize the program;  | 24<br>25                   |
| (7) Establish the procedures by which funds held in program accounts shall be disbursed;   | 26<br>27                   |
| (8) Administer the issuance of interests by the Ohio ABLE savings program trust fund to designated beneficiaries;  | 28<br>29                   |
| (9) Establish the procedures by which funds held in program accounts shall be allocated to pay for administrative costs;   | 30<br>31<br>32             |
| (10) Take any other action necessary to implement and administer the program;  | 33<br>34                   |
| (11) Adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement and administer the program;  | 35<br>36                   |
| (12) Notify the secretary when a program account has been opened for a designated beneficiary and submit other reports concerning the program as required by the secretary or under section 529A of the Internal Revenue Code.   | 37<br>38<br>39<br>40       |
| (B) The treasurer of state may enter into agreements with other states or agencies of, subdivisions of, or residents of those states related to the program or a similar ABLE account program established by another state in accordance with section 529A of the Internal Revenue Code. | 41<br>42<br>43<br>44<br>45 |
| <u>(C) The treasurer of state shall pay account fees</u>   | 46                         |

associated with an ABLE account on behalf of an Ohio account 47  
owner or beneficiary. 48

**Sec. 113.53.** (A) A designated beneficiary, or a trustee or 49  
guardian of a designated beneficiary who lacks capacity to enter 50  
into an agreement, may apply, on forms prescribed by the 51  
treasurer of state, to open a program account. A beneficiary may 52  
have only one ABLE account. The treasurer of state may impose a 53  
nonrefundable application fee. The application shall require the 54  
applicant to provide the following information: 55

(1) The name, address, social security number, and birth 56  
date of the designated beneficiary; 57

(2) The name, address, and social security number of the 58  
designated beneficiary's trustee or guardian, if applicable; 59

(3) Certification by the applicant that the applicant 60  
understands the maximum account value and the consequences under 61  
division (C) of this section for excess contributions and 62  
understands how program account values exceeding the amount 63  
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 64  
of 2014," 26 U.S.C. 529A note, may affect the applicant's 65  
resources for determining the applicant's eligibility for the 66  
supplemental security income program; 67

(4) Any additional information required by the treasurer 68  
of state. 69

(B) (1) To qualify for a program account, a designated 70  
beneficiary must be an eligible individual at the time the 71  
program account is opened. Before opening a program account, the 72  
treasurer of state or program manager shall enter into an 73  
agreement with the account owner that discloses the requirements 74  
and restrictions on contributions and withdrawals from the 75

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| program account.   | 76  |
| (2) Any person may make contributions to a program account       | 77  |
| after the account is opened, subject to the limitations imposed  | 78  |
| by section 529A of the Internal Revenue Code and any rules       | 79  |
| adopted by the secretary.  | 80  |
| (C) Contributions to a program account shall be made in          | 81  |
| cash. The treasurer of state or program manager shall reject or  | 82  |
| promptly withdraw a contribution to a program account if that    | 83  |
| contribution would exceed the annual limits prescribed in        | 84  |
| subsection (b) (2) (B) of section 529A of the Internal Revenue   | 85  |
| Code. The treasurer or program manager shall reject or promptly  | 86  |
| withdraw a contribution if the value of the program account      | 87  |
| equals or exceeds the maximum account value or the designated    | 88  |
| beneficiary is not an eligible individual in the current         | 89  |
| calendar year.   | 90  |
| (D) (1) To the extent authorized by federal law, and in          | 91  |
| accordance with rules adopted by the treasurer of state, an      | 92  |
| account owner may change the designated beneficiary of a program | 93  |
| account to another individual.                                   | 94  |
| (2) No account owner may use an interest in an ABLE              | 95  |
| account as security for a loan. Any pledge of an interest in an  | 96  |
| account shall be void and of no force and effect.                | 97  |
| (E) (1) A distribution from a program account to any             | 98  |
| individual or for the benefit of any individual during a         | 99  |
| calendar year shall be reported to the internal revenue service  | 100 |
| and the designated beneficiary or the distributee to the extent  | 101 |
| required under state or federal law.                             | 102 |
| (2) Statements shall be provided to each account owner of        | 103 |
| a program account at least four times each year within thirty    | 104 |

days after the end of the quarterly period to which a statement 105  
relates. The statement shall identify the contributions made 106  
during the preceding quarter, the total contributions made to 107  
the account through the last day of that quarter, the value of 108  
the account on the last day of that quarter, distributions made 109  
during that quarter, and any other information that the 110  
treasurer of state requires to be reported to the account owner. 111

(3) Statements and information relating to program 112  
accounts shall be prepared and filed to the extent required 113  
under sections 113.50 to 113.56 of the Revised Code and any 114  
other state or federal law. 115

(F) The program shall provide separate accounting for each 116  
designated beneficiary. An annual fee may be imposed upon the 117  
account owner for the maintenance of a program account. 118

~~(G)~~ (G) (1) Money in an ABLE account shall be exempt from 119  
attachment, execution, or garnishment as provided in section 120  
2329.66 of the Revised Code, ~~and is~~. 121

(2) Unless required by federal law, money in an ABLE 122  
account is not subject to claims made under the medicaid estate 123  
recovery program instituted pursuant to section 5162.21 of the 124  
Revised Code, in accordance with subsection (f) of section 529A- 125  
of the Internal Revenue Code and subject to any limitations- 126  
imposed by the secretary. 127

(H) (1) Notwithstanding any other provision of state law, 128  
all of the following shall be disregarded for the purposes of 129  
determining an individual's eligibility for a means-tested 130  
public assistance program funded only with state, local, or 131  
state and local funds and the amount of assistance or benefits 132  
the individual is eligible to receive under the program: 133

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| (a) Any amount in an ABLE account, including earnings on the account;   | 134<br>135                                    |
| (b) Any contributions to an ABLE account;   | 136   |
| (c) Any distribution from an ABLE account for qualified disability expenses.  | 137<br>138                                    |
| (2) Division (H) (1) of this section applies only to an individual who is either of the following:  | 139<br>140                                    |
| (a) The designated beneficiary of the ABLE account;   | 141   |
| (b) An individual whose eligibility for the means-tested program is conditioned on the ABLE account's designated beneficiary disclosing the designated beneficiary's income, resources, or both to the entity administering the means-tested public assistance program.   | 142<br>143<br>144<br>145<br>146               |
| <u>(3) Notwithstanding any provision of the Revised Code to the contrary, all information related to an ABLE account obtained by the treasurer of state under this section is not a public record under section 149.43 of the Revised Code.</u>   | 147<br>148<br>149<br>150                      |
| <b>Section 2.</b> That existing sections 113.51 and 113.53 of the Revised Code are hereby repealed.   | 151<br>152                                    |
| <b>Section 3.</b> All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2026 and those in the second column are for fiscal year 2027. The operating appropriations made in this act are in addition to any other operating appropriations made for these fiscal years. | 153<br>154<br>155<br>156<br>157<br>158<br>159 |
| <b>Section 4.</b>   | 160<br>161                                    |

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| A |                                    |        | TOS TREASURER OF STATE            |           |           |
| B | Dedicated Purpose Fund Group       |        |                                   |           |           |
| C | 4E90                               | 090639 | STABLE Maintenance Fee<br>Subsidy | \$900,000 | \$900,000 |
| D | TOTAL Dedicated Purpose Fund Group |        |                                   | \$900,000 | \$900,000 |
| E | TOTAL ALL BUDGET FUND GROUPS       |        |                                   | \$900,000 | \$900,000 |

STABLE MAINTENANCE FEE SUBSIDY 162

The foregoing appropriation item 090639, STABLE 163  
Maintenance Fee Subsidy, shall be used to subsidize costs of 164  
monthly fees incurred by STABLE account holders for eligible 165  
individuals with disabilities. 166

**Section 5.** Within the limits set forth in this act, the 167  
Director of Budget and Management shall establish accounts 168  
indicating the source and amount of funds for each appropriation 169  
made in this act, and shall determine the manner in which 170  
appropriation accounts shall be maintained. Expenditures from 171  
operating appropriations contained in this act shall be 172  
accounted for as though made in, and are subject to all 173  
applicable provisions of, the main operating appropriations act 174  
of the 136th General Assembly. 175