

SENATE No. 2245

The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen
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SENATE, July 7, 2014

The committee on Ways and Means, to whom was referred the House Bill relative to assisting individuals with autism and other intellectual or developmental disabilities (House, No. 4047); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2245.

For the committee,
Stephen M. Brewer

SENATE No. 2245

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In the Year Two Thousand Fourteen

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 217. (a) There shall be a commission on autism located within, but not subject to
4 the control of, the executive office of health and human services. The commission shall consist
5 of 34 members and shall be comprised of: the secretary of health and human services or a
6 designee, who shall serve as chair; 1 member of the house of representatives appointed by the
7 speaker; 1 member of the house of representative appointed by the minority leader of the house;
8 1 member of the senate appointed by the senate president; 1 member of the senate appointed by
9 the minority leader of the senate; the commissioner of developmental services or a designee; the
10 commissioner of mental health or a designee; the secretary of education or a designee; the
11 director of housing and community development or a designee; the secretary of labor and
12 workforce development or a designee; the commissioner of the Massachusetts rehabilitation
13 commission or a designee; the commissioner of early education and care or a designee; the
14 commissioner of elementary and secondary education or a designee; the commissioner of higher
15 education or a designee; the secretary of elder affairs or a designee; the commissioner of
16 children and families or a designee; the commissioner of public health or a designee; the director
17 of the office of Medicaid or a designee; 1 person appointed by the secretary of education from
18 the community college system; the director of the division of autism or a designee; and 14
19 persons to be appointed by the governor, 1 of whom shall have a diagnosis of autism spectrum
20 disorder, 1 of whom shall be a representative of Advocates for Autism of Massachusetts, 1 of
21 whom shall be a representative of the Autism Insurance Resource Center, 1 of whom shall be a
22 representative of Massachusetts Advocates for Children, 1 of whom shall be a representative of

23 the Arc of Massachusetts, 1 of whom shall be a representative of Autism Speaks, Inc., 1 of
24 whom shall be a representative of the Lurie Center and 1 of whom shall be a representative of the
25 Asperger's Association of New England, Inc. Members of the commission shall be persons with
26 demonstrated interest, experience and expertise in autism and related services and shall serve for
27 a term of 4 years, without compensation. Any member shall be eligible for reappointment.
28 Vacancies shall be filled for the remainder of the unexpired term. Any member may be removed
29 by the governor for cause.

30 (b) There shall be an executive director of the committee. The executive director shall be
31 appointed by the governor from candidates recommended by the committee. The executive
32 director may be removed by the governor for cause. The executive director shall promote the
33 goals of the commission and improve commission functions through the coordination and
34 standardization of programs, operations and procedures. The executive director shall have a
35 working knowledge of the autism service delivery system and agencies providing these services,
36 legislative advocacy experience and a personal connection to autism. The executive director
37 may: expend appropriated funds together with additional funds from federal grants and other
38 contributions, which may be made available for these purposes; and appoint other necessary
39 personnel for the efficient management of the office. Expenditures for salaries and for other
40 administrative functions shall be approved by the commission. Duties of the executive director
41 shall include, but not be limited to: (i) reporting on the progress of implementation of the 13
42 recommendations of the March 2013 Massachusetts autism commission report with periodic
43 benchmarks and cost estimates for a coordinated, system-wide response supporting people of all
44 ages on the autism spectrum; (ii) coordination of commission meetings; (iii) coordination with
45 relevant state agencies; and (iv) completion of the annual report.

46 (c) The commission shall make recommendations on policies impacting individuals with
47 autistic spectrum disorders, which shall include, but not be limited to, asperger's syndrome, high
48 functioning autism and pervasive development disorder. The commission shall investigate the
49 range of services and supports necessary for such individuals to achieve their full potential across
50 their lifespan, including, but not limited to, investigating issues related to public education, job
51 attainment and employment, including supported employment, provision of adult human
52 services, post-secondary education, independent living, community participation, housing, social

53 and recreational opportunities, behavioral services based on best practices to ensure emotional
54 well-being, mental health services and issues related to access for families of children with
55 autism spectrum disorder and adults who are from linguistically and culturally diverse
56 communities. The commission shall meet at least quarterly, or as frequently as the executive
57 director recommends. The commission shall file an annual report, on or before March 1, with the
58 governor, the joint committee on children, families and persons with disabilities and the joint
59 committee on health care financing outlining unmet needs and trends in autism services, supports
60 and treatments for the autism population, including any recommendations for regulatory and
61 legislative action necessary to provide or improve such services or supports. The commission
62 shall monitor the implementation of its recommendations and update recommendations to reflect
63 current research and service needs as necessary.

64 SECTION 2. Chapter 15C of the General Laws is hereby amended by adding the
65 following section:-

66 Section 29. (a) As used in this section the following words shall, unless the context
67 clearly requires otherwise, have the following meanings:-

68 “Achieving a better life experience account” or “ABLE account”, a savings and qualified
69 disabilities expense account established and maintained by the authority, or a designated
70 administrator, pursuant to this section and its implementing regulations for the purposes of
71 qualified disability expenses.

72 “Designated administrator”, any corporation whose powers and privileges are provided
73 for in any general or special law, whether for profit or not, designated by the authority for the
74 purpose of administering ABLE accounts.

75 “Disability verification”, a verification, to the authority or its designated administrator, by
76 the designated beneficiary or the parent or guardian of the designated beneficiary that: (i)
77 includes a copy of the designated beneficiary’s diagnosis, which shall specify that such person is
78 an individual with a disability and shall be signed by a physician; and (ii) the designated
79 beneficiary is either (1) receiving benefits under the supplemental security income program
80 under Title XVI of the Social Security Act or whose benefits under such program are suspended
81 for a reason other than misconduct, (2) for purposes of Title XIX of the Social Security Act,

82 deemed to be or treated as, receiving benefits from the office of Medicaid under the
83 supplemental security income program under Title XVI of the Social Security Act or whose
84 benefits under such program are suspended for a reason other than misconduct or (3) receiving
85 disability benefits under Title II of the Social Security Act.

86 “Individual with a disability”, an individual who, regardless of age, has a medically
87 determinable physical or mental impairment, which results in marked and severe functional
88 limitations, and which can be expected to result in death or which has lasted or can be expected
89 to last for a continuous period of not less than 12 months, or is blind.

90 “Physician”, a medical or osteopathic doctor licensed to practice medicine in the
91 commonwealth.

92 “Qualified disability expenses”, expenses made for the benefit of an individual with a
93 disability or for the benefit of a special needs trust established for the benefit of such an
94 individual.

95 (b) There shall be within the authority, the achieving a better life experience program for
96 the purposes of administering ABLE accounts established to encourage and assist individuals
97 and families in saving private funds for the purpose of supporting individuals with disabilities.
98 Under the program, a person may make contributions to an ABLE account to meet the qualified
99 disability expenses of the designated beneficiary of the account.

100 (c) For the purposes of this section and subparagraph (17) of paragraph (a) of Part B of
101 section 3 of chapter 62 the following expenses shall be qualified disability expenses if such
102 expenses are made for the benefit of an individual with a disability who is a designated
103 beneficiary and the expenses are related to such disability:

104 (1) expenses for education, including tuition for pre-school through post-secondary
105 education, which shall include higher education expenses, as defined by 26 U.S.C.
106 §529(e)(3)(A), and expenses for books, supplies and educational materials related to preschool
107 and secondary education, tutors and special education services;

108 (2) expenses for a primary residence, including rent, purchase of a primary residence or
109 an interest in a primary residence, mortgage payments, real property taxes, and utility charges;

110 (3) expenses for transportation, including the use of mass transit, the purchase or
111 modification of vehicles and moving expenses;

112 (4) expenses related to obtaining and maintaining employment, including job-related
113 training, assistive technology and personal assistance supports;

114 (5) expenses for health and wellness, including premiums for health insurance, mental
115 health, medical, vision and dental expenses, habilitation and rehabilitation services, durable
116 medical equipment, therapy, respite care, long-term services and supports, nutritional
117 management, communication services and devices, adaptive equipment, assistive technology and
118 personal assistance;

119 (6) expenses for financial management and administrative services, legal fees, expenses
120 for oversight and monitoring;

121 (7) expenses for home improvements and modifications, maintenance and repairs at a
122 primary residence;

123 (8) expenses for a funeral or burial; and

124 (9) expenses for assistive technology and personal support with respect to any item
125 described in this section.

126 (d) A person may make contributions to an ABLE account to meet the qualified disability
127 expenses of the designated beneficiary of the account; provided that the account and
128 contributions meet the other requirements of this section and regulations promulgated by the
129 authority.

130 (e) An ABLE account shall be a qualified disabilities expense account if: (1) it provides
131 that purchases or contributions may only be made in cash; (2) provides separate accounting for
132 each designated beneficiary; (3) provides that any contributor to, or designated beneficiary
133 under, such program may not directly or indirectly direct the investment of any contributions to
134 the program or any earnings thereon; and (4) provides adequate safeguards to prevent
135 contributions on behalf of a designated beneficiary in excess of those necessary to provide for
136 the qualified disability expenses of the beneficiary.

137 (f) The authority, or its designated administrator, shall treat an individual as an individual
138 with a disability if the person files a disability verification with the authority or such designated
139 administrator.

140 (g) The authority shall file an annual report with the department of developmental
141 services, the joint committee on children, families and persons with disabilities and the house
142 and senate committees on ways and means on the usage of ABLE accounts. The report shall
143 include, but not be limited to: (1) the number of people with an ABLE account; (2) the total
144 amount of contributions to such accounts; (3) the total amount and nature of distributions from
145 such accounts; and (4) issues relating to the abuse of such accounts.

146 (h) The authority may promulgate regulations and enter into agreements to implement
147 this section.

148 SECTION 3. Section 1 of chapter 19B of the General Laws, as appearing in the 2012
149 Official Edition, is hereby amended by inserting after the word “disability”, in line 8, the
150 following words:- or persons with a developmental disability.

151 SECTION 4. Said section 1 of said chapter 19B, as so appearing, is hereby further
152 amended by striking out, in line 23, the words “mental retardation services” and inserting in
153 place thereof the following words:- services for persons with an intellectual disability.

154 SECTION 5. Said section 1 of said chapter 19B, as so appearing, is hereby further
155 amended by striking out, in lines 27 and 28, the words “intellectual disabilities services” and
156 inserting in place thereof the following words:- services for persons with an intellectual disability
157 or a developmental disability.

158 SECTION 6. Section 2 of said chapter 19B, as so appearing, is hereby amended by
159 striking out, in line 2, the words “mental retardation” and inserting in place thereof the following
160 words:- developmental services.

161 SECTION 7. Said section 2 of said chapter 19B, as so appearing, is hereby further
162 amended by striking out, in line 18, the words “mental retardation”.

163 SECTION 8. Said section 2 of said chapter 19B, as so appearing, is hereby further
164 amended by striking out, in line 31, the words “mental retardation” and inserting in place thereof
165 the following words:- persons with an intellectual disability or a developmental disability.

166 SECTION 9. Section 12 of said chapter 19B, as so appearing, is hereby amended by
167 striking out, in line 4, the words “mental retardation programs” and inserting in place thereof the
168 following words:- persons with an intellectual disability.

169 SECTION 10. Said chapter 19B is hereby further amended by inserting after section 12
170 the following section:-

171 Section 12A. The department, subject to appropriation, shall establish a comprehensive
172 program of community developmental disability services and shall establish standards for the
173 development of programs in appropriate geographic areas to ensure access to needed services.
174 The commissioner shall ensure citizen, consumer and family participation in the oversight of
175 community developmental disability services at all such levels, including the local level.

176 SECTION 11. Section 13 of said chapter 19B, as appearing in the 2012 Official Edition,
177 is hereby amended by inserting after the words, “disability services”, in line 3, the following
178 words:- and community developmental disability services.

179 SECTION 12. Said section 13 of said chapter 19B, as so appearing, is hereby further
180 amended by inserting after the word “disability”, in line 9, the following words:- and
181 developmental disability.

182 SECTION 13. Said section 13 of said chapter 19B, as so appearing, is hereby further
183 amended by inserting after the word “services”, in line 13, the following words:- and
184 developmental disability services.

185 SECTION 14. Said chapter 19B is hereby further amended by the inserting after section
186 15 the following section:-

187 Section 15A. (a) (1) The department shall issue a license, for a term of 2 years, to any
188 program that offers residential or day care services to the public and provides treatment for
189 persons with a developmental disability; provided, that prior to issuing a license the department

190 shall determine whether the program is responsible, suitable and meets applicable licensure
191 standards and requirements.

192 (2) Notwithstanding paragraph (1), the department may license programs that provide
193 care but not treatment for persons with an intellectual disability.

194 (3) The department shall not require a license under this section where such residential or
195 day care treatment is provided within an institution or facility licensed by the department of
196 public health under chapter 111. The department may grant the type of license which it deems
197 suitable for a program. The department shall fix reasonable fees for licenses and the renewal
198 thereof. The department shall promulgate regulations for the operation of programs licensed
199 under paragraphs (1) and (2).

200 (b) Each program licensed pursuant to this section shall: (i) maintain and make available
201 to the department such statistical and diagnostic data as may be required by the department and
202 (ii) be subject to the supervision, visitation and inspection of the department.

203 (c) The department may refuse to grant or renew a license and may suspend, revoke, limit
204 or restrict the applicability of a license granted under this section, subject to the procedural
205 requirements of section 13 of chapter 30A for a violation of its regulations or standards
206 concerning such program. The department may temporarily suspend a license prior to a hearing
207 in cases of emergency, if it deems that such suspension would be in the public interest; provided,
208 however, that upon request of an aggrieved party, a hearing shall be held after the license is
209 suspended. Any party aggrieved by a decision of the department under this section may appeal
210 under section 14 of chapter 30A.

211 (d) No program, for which a license is required under paragraph (a), shall provide
212 residential or day care services for the treatment or care of persons with a developmental
213 disability unless it has obtained a license under this section. The superior court sitting in equity
214 shall have jurisdiction, upon petition of the department, to restrain any violation of this section or
215 to take such other action as equity and justice may require. Whoever violates this section shall be
216 punished for the first offense by a fine of not more than \$1,000 or by imprisonment for not more
217 than 2 years in a house of correction.

218 (e) Each individual served by such a program shall be granted protection from
219 commercial and private exploitation. No person shall be video taped, audio taped, photographed,
220 interviewed or exposed to the public without express written consent from the individual or the
221 individual's legal guardian. Whoever violates this paragraph shall be punished by a fine of not
222 more than \$2,000 or by imprisonment for not more than 2½ years in a house of correction or by
223 imprisonment for not more than 5 years in the state prison.

224 (f) Notwithstanding paragraphs (a) to (e), inclusive, a child care center, family child care
225 home, family child care system, family foster care or group care facility, as defined in section 1A
226 of chapter 15D, shall not be subject to this section.

227 SECTION 15. Section 17 of said chapter 19B, as appearing in the 2012 Official Edition,
228 is hereby amended by striking out, in lines 1 and 2, the words "mentally retarded persons" and
229 inserting in place thereof the following words:- persons with an intellectual disability or a
230 developmental disability.

231 SECTION 16. Said section 17 of said chapter 19B, as so appearing, is hereby further
232 amended by striking out, in line 11, the words "any mentally regarded person competitively
233 employed," and inserting in place thereof the following words:- a competitively employed
234 individual with an intellectual disability or a developmental disability.

235 SECTION 17. Section 18 of said chapter 19B, as so appearing, is hereby amended by
236 striking out, in line 10, the words "mentally ill and persons with an intellectual disability" and
237 inserting in place thereof the following words:- persons with mental illness and persons with an
238 intellectual or developmental disability.

239 SECTION 18. Said section 18 of said chapter 19B, as so appearing, is hereby further
240 amended by striking out, in lines 14 and 15, the words "mentally ill and mentally retarded
241 individuals" and inserting in place thereof the following words:- persons with mental illness and
242 persons with an intellectual or developmental disability.

243 SECTION 19. Said section 18 of said chapter 19B, as so appearing, is hereby further
244 amended by striking out, in line 17, the words "disability and mentally ill" and inserting in place
245 thereof the following words:- or developmental disability and a mental illness.

246 SECTION 20. Said section 18 of said chapter 19B, as so appearing, is hereby further
247 amended by inserting after the word “disability”, in line 30, the following words:- or a
248 developmental disability.

249 SECTION 21. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as
250 so appearing, is hereby amended by adding the following subparagraph:-

251 (17) Distributions from a fund established pursuant to the ABLE program, under section 29 of
252 chapter 15C, to the extent otherwise included in income, when such distributions are used to pay
253 qualified disability expenses.

254 SECTION 22. Section 38G of chapter 71 of the General Laws, as so appearing, is hereby
255 amended by inserting after the word “disabilities”, in line 266, the following words:- , including
256 children with autism.

257 SECTION 23. Section 38G ½ of said chapter 71, as so appearing, is hereby amended by
258 inserting before the definition of “board”, the following definition:-

259 “Autism or autism spectrum disorders” shall have the same meaning as the most recent
260 edition of the Diagnostic and Statistical Manual of Mental Disorders.

261 SECTION 24. Said section 38G ½ of said chapter 71, as so appearing, is hereby further
262 amended by adding the following paragraph:-

263 The board shall provide an endorsement in autism which shall include both coursework
264 and field experience for licensed special education teachers to acquire the competencies
265 necessary to conduct assessments, develop appropriate individualized education programs,
266 provide specially designed instruction and related services and consult and collaborate with other
267 educators, including general education teachers, in order to meet the unique and complex
268 educational needs of students with autism in the least restrictive environment. Competencies
269 shall also include, but not be limited to, the impact of autism on verbal and nonverbal
270 communication, social interaction, sensory experiences, behaviors, literacy and academic
271 achievement. The requirements for the endorsement in autism, as promulgated by the board,
272 may also be used to satisfy course requirements necessary to obtain a professional license. The
273 board shall promulgate regulations specifying the subject matter knowledge, skills and

274 competencies required for such endorsement, including requirements to incorporate renewal of
275 the endorsement as part of the individual professional development plan required pursuant to
276 section 38G. Said regulations shall also specify components necessary for preparation programs
277 offering an endorsement in autism, which shall be included in the department’s process for
278 approving preparation programs.

279 SECTION 25. Chapter 118E of General Laws is hereby amended by inserting after
280 section 10G the following section:-

281 Section 10H. The division shall cover medically necessary treatments for persons
282 receiving medical coverage under this chapter who are diagnosed with an autism spectrum
283 disorder by a licensed physician or a licensed psychologist. Said coverage shall include, but shall
284 not be limited to, services for applied behavior analysis supervised by a board certified behavior
285 analyst and dedicated and non-dedicated augmentative and alternative communication devices,
286 including, but not limited to medically necessary tablets.

287 SECTION 26. Section 1 of chapter 123B of the General Laws, as appearing in the 2012
288 Official Edition, is hereby amended by inserting after the definition of “independent funds” the
289 following definition:-

290 “Person with a developmental disability”, (1) an individual 5 years of age or older with a
291 severe, chronic disability that: (i) is attributable to a mental or physical impairment resulting
292 from intellectual disability, autism or Prader-Willi syndrome; (ii) is manifested before the
293 individual attains age 22; (iii) is likely to continue indefinitely; (iv) results in substantial
294 functional limitations in 3 or more of the following areas of major life activity: (1) self-care; (2)
295 receptive and expressive language; (3) learning; (4) mobility; (5) self-direction; (6) capacity for
296 independent living; and (7) economic self-sufficiency; and (v) reflects the individual's need for a
297 combination and sequence of special, interdisciplinary or generic services, supports or other
298 assistance that is of a lifelong or extended duration and is individually planned and coordinated;
299 or (2) an individual under the age of 5 who has a substantial developmental delay or specific
300 congenital or acquired condition with a high probability that the condition will result in a
301 developmental disability if services are not provided. A person who has a developmental
302 disability may be considered to be mentally ill; provided, however, that no person with a

303 developmental disability shall be considered to be mentally ill solely by reason of the person's
304 developmental disability.

305 SECTION 27. Section 2 of said chapter 123B, as so appearing, is hereby amended by
306 adding the following paragraph:-

307 The department shall, in accordance with section 2 of chapter 30A and subject to
308 appropriation, adopt regulations consistent with this chapter which establish procedures and the
309 highest practicable professional standards for community services for persons with
310 developmental disabilities.

311 SECTION 28. The department of developmental services shall file an annual report
312 reviewing its progress in the implementation of this act on or before the first business day of
313 February starting with February 3, 2015. The report shall include, but not be limited to: (1) the
314 number of new clients with autism or Prader-Willi syndrome; (2) the number of individuals, if
315 any, on a waitlist for the services provided under this act and the reasons for and the expected
316 duration of the waitlist; (3) the number of additional staff hired to assess and evaluate the clients
317 and services; (4) the number of staff hired to deliver, manage and administer the services; (5)
318 challenges encountered and met in serving new clients; (6) challenges that continue and those
319 that are foreseen in the near future; (7) additional costs incurred in serving these clients; and (8)
320 savings if any realized.

321 SECTION 29. The commission on autism, established under section 217 of chapter 6 of
322 the General Laws, shall investigate and study the employment training and employment
323 opportunities available to persons with autism spectrum disorder and shall make
324 recommendations in regard thereto. The commission shall determine the current status of such
325 employment training and employment opportunities including, but not limited to, vocational
326 training programs for teen-aged and young adult persons with autism spectrum disorder and shall
327 make recommendations for providing appropriate employment training and employment
328 opportunities for the population of residents in the commonwealth who have been diagnosed
329 with autism spectrum disorder. Additionally, the commission shall review the rise in the
330 prevalence of autism spectrum disorder diagnoses among children in the past 30 years and shall
331 make estimates of the number of children, aged 21 or younger, with autism spectrum disorder

332 who will become adults in the coming decades and the resulting need for employment training
333 and employment opportunities for those individuals and shall recommend a plan-of-action for the
334 commonwealth in regard thereto. The commission shall file its report with the clerks of the
335 senate and house of representatives and the chairs of the joint committee on children, families
336 and persons with disabilities on or before June 30, 2015.

337 SECTION 30. The commission on autism, established under section 217 of chapter 6 of
338 the General Laws, shall make an investigation and study of the present, and anticipated future,
339 statewide affordable supportive housing needs for the commonwealth's population of persons
340 with autism spectrum disorder. The commission shall develop and conduct a statewide housing
341 survey to determine the current status of affordable supportive housing stock for adults with
342 autism spectrum disorder and shall make recommendations in regard thereto. Additionally, the
343 commission shall review the rise in the prevalence of autism spectrum disorder diagnoses among
344 children in the past 30 years and shall make estimates of the number of children, aged 21 or
345 younger, with autism spectrum disorder who will become adults in the coming decades and the
346 resulting need for affordable supportive housing for those individuals and shall recommend a
347 plan-of-action for the commonwealth in regard thereto. The commission shall file its report with
348 the clerks of the senate and house of representatives and the chairs of the joint committee on
349 children, families and persons with disabilities on or before June 30, 2015.

350 SECTION 31. For 1 year after the board has promulgated regulations as required under
351 section 24, teachers who have previously been employed serving primarily students with autism
352 shall be eligible to receive an autism endorsement, provided that they demonstrate the
353 knowledge, skills and competencies necessary to receive such endorsement, subject to
354 regulations promulgated by the board of elementary and secondary education.

355 SECTION 32. The board of elementary and secondary education shall promulgate the
356 regulations required pursuant to section 24 on or before January 1, 2015.

357 SECTION 33. (a) The executive director of the commission on autism, appointed under
358 section 217 of chapter 6 of the General Laws, shall: request the United States Social Security
359 Administration to revise its rules and regulations so that ABLE accounts, as described in section
360 2, shall not be considered to be a countable resource of the beneficiary of the ABLE account for

361 the purposes of the Supplemental Security Income program; request the Office of Medicaid, to
362 revise its rules and regulations so that ABLE accounts, as described in section 2, shall not be
363 considered to be a countable resource of the beneficiary of the ABLE account for the purposes of
364 the MassHealth program; provided that the Office of Medicaid may seek a waiver so that ABLE
365 accounts shall not be considered a countable resource; and seek any other exemptions or waivers,
366 which shall be necessary to ensure that beneficiaries do not lose their benefits under the
367 Supplemental Security Income program as a result of assets contained in an ABLE account.

368 (b) Upon determining that beneficiaries of an ABLE account, as described in section 2,
369 will not lose their benefits under the Supplemental Security Income and MassHealth programs as
370 a result of assets contained in an ABLE account, the executive director shall file a report with the
371 clerks of the house of representatives and the senate certifying such determination.

372 SECTION 34. Sections 2 and 21 shall take effect upon the filing of the report by the
373 executive director of the commission on autism under subsection (b) of section 33.