

SENATE No. 2430

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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.