

HOUSE No. 4792

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 17, 2022.

The committee on Ways and Means, to whom was referred the Bill to preserve special needs trusts for disabled seniors (House, No. 1274), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4792).

For the committee,

AARON MICHLEWITZ.

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

An Act to preserve 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 2020 Official
2 Edition, is hereby amended by adding the following paragraph:-

3 The division shall consider a transfer of assets by an individual age 65 or older or a
4 transfer made for the sole benefit of an individual age 65 or older into a trust pursuant to 42
5 U.S.C. 1396p(d)(4)(C), established for the sole benefit of said individual, to be a disposal of
6 resources for fair market value, to the extent that such resources shall, under any circumstances,
7 be used by the trustee to provide goods or services to the individual at fair market value.