

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-1094.01 Jane Ritter x4342

HOUSE BILL 17-1280

HOUSE SPONSORSHIP

Michaelson Jenet and Young,

SENATE SPONSORSHIP

Gardner,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CONFORMING COLORADO STATUTORY LANGUAGE
102 RELATED TO DISABILITY TRUSTS TO THE FEDERAL "21ST
103 CENTURY CURES ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill conforms Colorado statutory language relating to the creation of a disability trust to conform to the language established in the federal "21st Century Cures Act". Specifically, it clarifies that the individual who is the beneficiary of a disability trust can also be the person who establishes such trust.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 15-14-412.8, **amend**
3 (1) and (2)(a) as follows:

4 **15-14-412.8. Disability trusts - limitations.** (1) A disability trust
5 within the meaning of this section is a trust that is established, BY THE
6 BENEFICIARY INDIVIDUAL OR ANOTHER ENTITY, for an individual under
7 sixty-five years of age who is disabled, as such term is defined in Title
8 XIX of the federal "Social Security Act", 42 U.S.C. sec. 1382c (a)(3), as
9 amended; consists of assets of the individual; and is established for the
10 purpose or with the effect of establishing or maintaining the individual's
11 resource eligibility for medical assistance.

12 (2) A disability trust is not valid for the purpose of establishing or
13 maintaining a person's resource eligibility for medical assistance unless
14 the trust meets all of the following criteria:

15 (a) The trust is funded by assets of an individual under age
16 sixty-five who is disabled as defined in 42 U.S.C. sec. 1382c (a)(3), as
17 amended, and which is established for the benefit of such individual by
18 THE INDIVIDUAL; the individual's parent, grandparent, OR guardian; or by
19 the court.

20 **SECTION 2. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.