

## CHAPTER 230

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**PROBATE, TRUSTS, AND FIDUCIARIES**


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**HOUSE BILL 17-1280**

BY REPRESENTATIVE(S) Michaelson Jenet and Young, Becker K., Buckner, Danielson, Garnett, Ginal, Gray, Herod, Hooton, Kennedy, Lontine, Pettersen, Rosenthal, Salazar, Singer, Winter, Duran;  
also SENATOR(S) Gardner, Aguilar, Kefalas, Lambert, Martinez Humenik, Todd.

**AN ACT**
**CONCERNING CONFORMING COLORADO STATUTORY LANGUAGE RELATED TO DISABILITY TRUSTS  
TO THE FEDERAL "21ST CENTURY CURES ACT".**

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

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

**15-14-412.8. Disability trusts - limitations.** (2) A disability trust is not valid for the purpose of establishing or maintaining a person's resource eligibility for medical assistance unless the trust meets all of the following criteria:

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

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

Approved: May 23, 2017

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*