



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 44**

### **SENATE BILL NO. 363**

**By Massey**

Substituted for: House Bill No. 371

By Darby

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 4, Part 8, relative to qualified ABLE accounts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 4, Part 8, is amended by adding the following as a new section:

(a) Following the death of an individual who is the designated beneficiary of a qualified ABLE account established under § 71-4-804(b), the state shall not:

(1) Seek recovery of an account balance remaining in the designated beneficiary's account for medical assistance paid to or on behalf of the designated beneficiary on or after the date the participation agreement was entered into and the account was established for the designated beneficiary, except as required by federal law; or

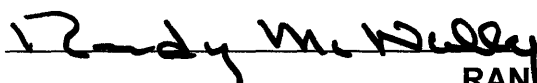
(2) File a claim for payment under § 529A(f) of the code.

(b) The provisions of subsection (a) apply to the extent permitted pursuant to federal law, including § 529A of the Internal Revenue Code of 1986 (26 U.S.C. § 529A).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 363

PASSED: February 27, 2023

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 14<sup>th</sup> day of March 2023

  
BILL LEE, GOVERNOR