

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 128

Senators Brenner, Roegner

To amend sections 113.51 and 113.53 of the Revised Code regarding Ohio ABLE accounts and to make an appropriation. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 113.51 and 113.53 of the Revised Code be amended to read as follows: 4
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Sec. 113.51. (A) The treasurer of state shall implement and administer a program under the terms and conditions established under sections 113.50 to 113.56 of the Revised Code. For that purpose, the treasurer shall do all of the following: 6
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(1) Develop and implement the program in a manner consistent with the provisions of sections 113.50 to 113.56 of the Revised Code; 10
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(2) Engage the services of consultants on a contract basis for rendering professional and technical assistance and advice; 13
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(3) Seek rulings and other guidance from the secretary and the internal revenue service relating to the program; 15
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(4) Make modifications to the program as necessary for participants in the program to qualify for the federal income tax benefits or treatment provided under section 529A of the 17
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Internal Revenue Code or rules adopted thereunder;	20
(5) Impose and collect administrative fees and service charges in connection with any agreement or transaction relating to the program;	21 22 23
(6) Develop marketing plans and promotional materials to publicize the program;	24 25
(7) Establish the procedures by which funds held in program accounts shall be disbursed;	26 27
(8) Administer the issuance of interests by the Ohio ABLE savings program trust fund to designated beneficiaries;	28 29
(9) Establish the procedures by which funds held in program accounts shall be allocated to pay for administrative costs;	30 31 32
(10) Take any other action necessary to implement and administer the program;	33 34
(11) Adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement and administer the program;	35 36
(12) Notify the secretary when a program account has been opened for a designated beneficiary and submit other reports concerning the program as required by the secretary or under section 529A of the Internal Revenue Code.	37 38 39 40
(B) The treasurer of state may enter into agreements with other states or agencies of, subdivisions of, or residents of those states related to the program or a similar ABLE account program established by another state in accordance with section 529A of the Internal Revenue Code.	41 42 43 44 45
<u>(C) The treasurer of state shall pay account fees</u>	46

associated with an ABLE account on behalf of an Ohio account 47
owner or beneficiary. 48

Sec. 113.53. (A) A designated beneficiary, or a trustee or 49
guardian of a designated beneficiary who lacks capacity to enter 50
into an agreement, may apply, on forms prescribed by the 51
treasurer of state, to open a program account. A beneficiary may 52
have only one ABLE account. The treasurer of state may impose a 53
nonrefundable application fee. The application shall require the 54
applicant to provide the following information: 55

(1) The name, address, social security number, and birth 56
date of the designated beneficiary; 57

(2) The name, address, and social security number of the 58
designated beneficiary's trustee or guardian, if applicable; 59

(3) Certification by the applicant that the applicant 60
understands the maximum account value and the consequences under 61
division (C) of this section for excess contributions and 62
understands how program account values exceeding the amount 63
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 64
of 2014," 26 U.S.C. 529A note, may affect the applicant's 65
resources for determining the applicant's eligibility for the 66
supplemental security income program; 67

(4) Any additional information required by the treasurer 68
of state. 69

(B) (1) To qualify for a program account, a designated 70
beneficiary must be an eligible individual at the time the 71
program account is opened. Before opening a program account, the 72
treasurer of state or program manager shall enter into an 73
agreement with the account owner that discloses the requirements 74
and restrictions on contributions and withdrawals from the 75

program account.	76
(2) Any person may make contributions to a program account	77
after the account is opened, subject to the limitations imposed	78
by section 529A of the Internal Revenue Code and any rules	79
adopted by the secretary.	80
(C) Contributions to a program account shall be made in	81
cash. The treasurer of state or program manager shall reject or	82
promptly withdraw a contribution to a program account if that	83
contribution would exceed the annual limits prescribed in	84
subsection (b) (2) (B) of section 529A of the Internal Revenue	85
Code. The treasurer or program manager shall reject or promptly	86
withdraw a contribution if the value of the program account	87
equals or exceeds the maximum account value or the designated	88
beneficiary is not an eligible individual in the current	89
calendar year.	90
(D) (1) To the extent authorized by federal law, and in	91
accordance with rules adopted by the treasurer of state, an	92
account owner may change the designated beneficiary of a program	93
account to another individual.	94
(2) No account owner may use an interest in an ABLE	95
account as security for a loan. Any pledge of an interest in an	96
account shall be void and of no force and effect.	97
(E) (1) A distribution from a program account to any	98
individual or for the benefit of any individual during a	99
calendar year shall be reported to the internal revenue service	100
and the designated beneficiary or the distributee to the extent	101
required under state or federal law.	102
(2) Statements shall be provided to each account owner of	103
a program account at least four times each year within thirty	104

days after the end of the quarterly period to which a statement 105
relates. The statement shall identify the contributions made 106
during the preceding quarter, the total contributions made to 107
the account through the last day of that quarter, the value of 108
the account on the last day of that quarter, distributions made 109
during that quarter, and any other information that the 110
treasurer of state requires to be reported to the account owner. 111

(3) Statements and information relating to program 112
accounts shall be prepared and filed to the extent required 113
under sections 113.50 to 113.56 of the Revised Code and any 114
other state or federal law. 115

(F) The program shall provide separate accounting for each 116
designated beneficiary. An annual fee may be imposed upon the 117
account owner for the maintenance of a program account. 118

~~(G)~~ (G) (1) Money in an ABLE account shall be exempt from 119
attachment, execution, or garnishment as provided in section 120
2329.66 of the Revised Code, ~~and is~~. 121

(2) Unless required by federal law, money in an ABLE 122
account is not subject to claims made under the medicaid estate 123
recovery program instituted pursuant to section 5162.21 of the 124
Revised Code, ~~in accordance with subsection (f) of section 529A-~~ 125
~~of the Internal Revenue Code and subject to any limitations-~~ 126
~~imposed by the secretary.~~ 127

(H) (1) Notwithstanding any other provision of state law, 128
all of the following shall be disregarded for the purposes of 129
determining an individual's eligibility for a means-tested 130
public assistance program funded only with state, local, or 131
state and local funds and the amount of assistance or benefits 132
the individual is eligible to receive under the program: 133

(a) Any amount in an ABLE account, including earnings on the account;	134 135
(b) Any contributions to an ABLE account;	136
(c) Any distribution from an ABLE account for qualified disability expenses.	137 138
(2) Division (H) (1) of this section applies only to an individual who is either of the following:	139 140
(a) The designated beneficiary of the ABLE account;	141
(b) An individual whose eligibility for the means-tested program is conditioned on the ABLE account's designated beneficiary disclosing the designated beneficiary's income, resources, or both to the entity administering the means-tested public assistance program.	142 143 144 145 146
<u>(3) Notwithstanding any provision of the Revised Code to the contrary, all information related to an ABLE account obtained by the treasurer of state under this section is not a public record under section 149.43 of the Revised Code.</u>	147 148 149 150
Section 2. That existing sections 113.51 and 113.53 of the Revised Code are hereby repealed.	151 152
Section 3. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2026 and those in the second column are for fiscal year 2027. The operating appropriations made in this act are in addition to any other operating appropriations made for these fiscal years.	153 154 155 156 157 158 159
Section 4.	160 161

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A		TOS TREASURER OF STATE		
B	Dedicated Purpose Fund Group			
C	4E90 090639	STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
D	TOTAL Dedicated Purpose Fund Group		\$900,000	\$900,000
E	TOTAL ALL BUDGET FUND GROUPS		\$900,000	\$900,000

STABLE MAINTENANCE FEE SUBSIDY 162

The foregoing appropriation item 090639, STABLE 163
 Maintenance Fee Subsidy, shall be used to subsidize costs of 164
 monthly fees incurred by STABLE account holders for eligible 165
 individuals with disabilities. 166

Section 5. Within the limits set forth in this act, the 167
 Director of Budget and Management shall establish accounts 168
 indicating the source and amount of funds for each appropriation 169
 made in this act, and shall determine the manner in which 170
 appropriation accounts shall be maintained. Expenditures from 171
 operating appropriations contained in this act shall be 172
 accounted for as though made in, and are subject to all 173
 applicable provisions of, the main operating appropriations act 174
 of the 136th General Assembly. 175