

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 293  
151st GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 210

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DELAWARE ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM.

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

Section 1. Amend § 9602A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9602A. Definitions.

As used in this chapter, unless otherwise defined in the federal law or federal regulations, which federal definitions shall control:

(1) "Account" means an individual account, a trust account, or a savings account established in accordance with the provisions of this chapter. An account may be established only for an eligible individual.

(2) "Account owner" means ~~an eligible individual, or if the eligible individual is under 18 years of age or is incapacitated, a parent or legal guardian of the eligible individual~~ the designated beneficiary. A person with signature authority over the account (if other than the designated beneficiary) may neither have nor acquire any beneficial interest in the account and must administer the account for the designated beneficiary.

(4) "Designated beneficiary" means, ~~with respect to an account or accounts, the eligible individual whose qualified disability expenses are expected to be paid from the account~~ the individual for whom the account was established or who has succeeded the former designated beneficiary in that capacity. If the designated beneficiary is not able to exercise signature authority over his or her account or chooses to have an account established but not to exercise signature authority, references to the designated beneficiary include actions by the person with signature authority over the account.

(8) "Qualified disability expenses" means ~~any expenses related to the eligible individual's blindness or disability which are made for the benefit of an eligible individual who is the designated beneficiary, including the following expenses: education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other expenses, which are approved by the federal regulations~~ any expenses incurred at a time when the designated beneficiary is an eligible individual that relate to the blindness or disability of the designated beneficiary, including expenses that are for the benefit of the designated beneficiary in maintaining or improving health, independence, or quality of life; provided, however, that any expenses incurred at a time when a designated beneficiary is neither disabled nor blind are not qualified disability expenses, even if the designated beneficiary is an eligible individual for that entire taxable year.

Section 2. Amend § 9605A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9605A. The Program.

(a) An account may be opened by ~~any person who desires to save to pay the qualified disability expenses of an eligible individual, by making an initial contribution to the Program in accordance with regulations promulgated by the Board.:~~

(1) The eligible individual.

(2) A person selected by the eligible individual.

(3) If an eligible individual (whether a minor or adult) is unable to establish his or her own account, the eligible individual's agent under a power of attorney or, if none, by a conservator or legal guardian, spouse, parent, sibling, grandparent of the eligible individual, or a representative payee appointed for the eligible individual by the Social Security Administration, in that order.

Approved April 28, 2022