

Article 6F.

Achieving a Better Life Experience Program Trust.

§ 147-86.70. Policy and definitions.

(a) Policy. – The General Assembly of North Carolina hereby finds and declares that encouraging and assisting individuals and families in saving private funds for the purpose of supporting individuals with disabilities, as authorized in the federal Achieving a Better Life Experience (ABLE) Act, to maintain health, independence, and a better quality of life is fully consistent with and furthers the long-established policy of the State to provide tools that strengthen opportunities for personal economic development and long-term financial planning.

(b) Definitions. – The following definitions apply in this section:

- (1) ABLE account. – An account established and owned by an eligible individual and maintained under this Article. An authorized representative may act on behalf of an account owner.
- (2) Account owner. – The person who enters into an ABLE savings agreement pursuant to the provisions of this Article. The account owner must be the designated beneficiary. An authorized representative may act on behalf of the account owner.
- (2a) Authorized representative. – An individual or entity authorized to open or manage an ABLE account on behalf of an account owner under the provisions of the federal ABLE Act and federal regulations promulgated under the Act.
- (3) Board. – The ABLE Program Board of Trustees established in G.S. 147-86.72.
- (4) Repealed by Session Laws 2016-56, s. 9(c), effective June 30, 2016.
- (5) Designated beneficiary. – The eligible individual who established and owns an ABLE account.
- (6) Disability certification. – Defined in 26 U.S.C. § 529A(e)(2).
- (7) Eligible individual. – Defined in 26 U.S.C. § 529A(e)(1).
- (8) Federal ABLE Act. – Division B of the Tax Increase Prevention Act of 2014, P.L. 113-295, the Achieving a Better Life Experience Act of 2014.
- (9) Repealed by Session Laws 2020-48, s. 1.4(a), effective June 26, 2020, and applicable to actions taken on behalf of an ABLE account owner on or after that date.
- (10) Qualified disability expense. – Defined in 26 U.S.C. § 529A(e)(5).
- (11) Reserved for future codification purposes.
- (12) Reserved for future codification purposes.
- (13) Sibling. – A brother, sister, stepbrother, or stepsister. (2015-203, s. 1; 2016-56, s. 9(c); 2017-212, s. 3.2(a); 2020-48, s. 1.4(a); 2022-16, s. 5.1.)