



CHAPTER 147
ARTICLE 6F - ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM TRUST

N.C.G.S. § 147-86.73.

Administration of ABLE Program.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 04:11 UTC	SOURCE FINGERPRINT 1dfb2ddc0b823c45a8636d53 - d5677007840ce29aeaf33839 - d8184674f051e145
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§ 147-86.73(a) Administration. - The Board may delegate to the State Treasurer the authority to develop and perform all functions necessary and desirable to (i) administer the ABLE Program Trust in such a manner as to meet and comply with the requirements of the federal ABLE Act and federal regulations under the Act, (ii) implement the investment strategy established by the Board, and (iii) provide such other services as the State Treasurer shall deem necessary to facilitate participation in the ABLE Program Trust. The State Treasurer is further authorized to obtain the services of such investment managers, investment advisors, service providers, or program managers as may be necessary for the proper administration, marketing, and investment of the ABLE Program Trust.

§ 147-86.73(b) Disclaimer. - Nothing in this section shall be construed to create any obligation of the State Treasurer, the Board, the State, or any agency or instrumentality of the State to guarantee for the benefit of any authorized representative, other interested party, or designated beneficiary the rate of return or other return for any contribution to the ABLE Program Trust and the payment of interest or other return on any contribution to the ABLE Trust Fund.

§ 147-86.73(c) Fees and Costs. - The State Treasurer may establish application, account, and administration fees in an amount not to exceed the amount necessary to offset the costs of the program. The following costs may be paid directly from the ABLE Program Trust:

- (1) The costs of administration, management, investment, and operation of the ABLE Program Trust.

- (2) The costs of all actions authorized by the Board.
- (3) The costs of all actions delegated to the State Treasurer and the State Treasurer's staff by the Board under this section. Such costs shall be allocated among the designated beneficiaries in such manner as may be prescribed by the Board. The Board shall no less than annually approve a budget and allocation of costs.

§ 147-86.73(d) Means-Tested Programs. - Notwithstanding any other provision of law, an ABLÉ account shall not be considered a resource for purposes of means-tested State benefits. Distributions for qualified disability expenses shall not be considered income for any State benefits eligibility program that limits eligibility based on income.

§ 147-86.73(e) Claim for Medical Assistance Benefits. - Unless required by federal law, upon the death of a designated beneficiary, the State shall not file a claim pursuant to 26 U.S.C. § 529A(f) for payment from the beneficiary's account for any medical assistance paid for the designated beneficiary. The State shall file its claim for repayment from the account with the State Treasurer within 60 days of receiving notice from the State Treasurer of the death of the designated beneficiary. Any remaining funds in the beneficiary's account shall be distributed as provided in the account agreement or distributed to the beneficiary's estate if no other designation is made.

§ 147-86.73(f) Notice of the Death of a Designated Beneficiary. - Within 30 days of the date the State Treasurer receives notice of the death of a designated beneficiary, the State Treasurer shall provide notice of the designated beneficiary's death to the Department of Health and Human Services, Division of Health Benefits.

§ 147-86.73(g) Repealed by Session Laws 2016-94, s. 12H.2(b), effective July 14, 2016.

§ 147-86.73(g1) Notice for Designated Beneficiary Receiving Medicaid. - The ABLÉ Account application package approved in accordance with G.S. 147-86.71(b)(1) shall include notice of the State's right under subsection (e) of this section to file a claim for payment only if required by federal law from a designated beneficiary's ABLÉ account following the death of a beneficiary who received medical assistance benefits.

§ 147-86.73(h) Account Information. - The information related to individual ABLÉ accounts are not public records as defined in Chapter 132 of the General Statutes.

§ 147-86.73(i) [Agency Coordination. -] The Department of Health and Human Services shall provide information and assistance to the Department of State Treasurer and shall enter into a data-sharing agreement with the Department of State Treasurer for the purpose of the ongoing implementation of this act. The Department of State Treasurer shall consult with other departments as needed. (2015-203, ss. 1, 2; 2016-94, ss. 12H.2(a), (b); 2017-129, s. 11; 2019-81, s. 15(a); 2022-16, s. 5.3; 2025-19, s. 4.1(a).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 147-86.71(b)(1)	(g1)	"application package approved in accordance with"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 147-86.73 (2026).

PINPOINT

N.C. Gen. Stat. § 147-86.73(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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