State Legislation Based on NASAA Model Act to Protect Vulnerable Adults from Financial Exploitation

January 2, 2020

Legislation	Jurisdiction	Latest Action Date	Latest Action	Comments
SB1483	Arizona	5/13/2019	Governor Signed; Chapter 221	
SB496	California	8/27/2019	Governor Approved; Chapter 272	
B186	District of Columbia	3/19/2019	Referred to Business and Economic Development	***Carryover from 2019****. The bill is substantially the same as the NASAA Model Act. The main differences are that 1) the bill includes insurance and banking; and 2) a firm may also delay disbursements from an account of a person suspected of perpetrating the financial exploitation.*
HB143	Florida	5/3/2019	Died in Children, Families, and Elder Affairs	
HP410	Maine	4/2/2019	Governor's Action: Signed; Chapter 17	
H4281	Massachusetts	12/30/2019	Senate Concurred.	***Legislative session runs from 2019-2020.*** *The only differences from the NASAA Model Act is that "eligible adult" includes a person who is 60 years or older, and it calls for permissive governmental reporting.*
HB5131	Michigan	10/22/2019	Bill Electronically Reproduced	***Carryover from 2019****. Differences from the NASAA Model Act – 1) the eligible includes an individual who is 18 or older who the broker-dealer or investment adviser reasonably believes has a mental or physical impairment that renders the individual unable to protect his or her own interests; 2) a designated third party is notified after a hold is placed on the disbursement unless he or she is unavailable or suspected of financial exploitation; 3) parties authorized to transact on the account are notified unless a party is unavailable or suspected of financial exploitation; 4) no provision requiring notification to the securities division; 5) no requirement to report internal investigation results; 6) no 25-day limit for extensions on delays; 7) a BD or IA may independently extend the hold by 10 days; and 8) there are no immunity provisions.*
SB629		10/31/2019	Referred to the Committee on Insurance and Banking	Same differences as the House bill described above, except that – this bill applies to adults who are 18 or older who require supervision or lack the skills to live independently, reside in foster care, or otherwise cannot protect themselves due to a

				physical or mental impairment or advanced age, and this bill provides administrative or civil immunity.
HF2475	Minnesota (banking)	3/15/2019	House: Referred by Chair to Health and Human Services Finance Division	***Carryover from 2019****. Minnesota adopted the Model Act in 2018; this bill would amend it to include "financial service providers" (i.e., banking). Differences from the NASAA Model Act – 1) broker-dealers and investment advisers may notify the commissioner and common entry point (adult abuse reporting center); 2) financial service providers may only notify the common entry point; 3) financial service providers also receive criminal immunity for governmental and third-party disclosures and delayed disbursements; 4) BDs, IAs, and FSPs may notify a third-party that is reasonably associated with the eligible adult; 5) extends to transactions; 6) notification of a delayed disbursement/transaction must be made no more than two days after the delay; 7) BDs, IAs, and FSPs can only delay if the commissioner of commerce, law enforcement agency, or prosecuting attorney's office provides information to them, demonstrating that it is reasonable to believe that financial exploitation may have occurred or attempted, or is being attempted; 8) documentation and any updates are provided upon request; 9) an eligible adult or other interested party may appeal to the commissioner to terminate the delay of the disbursement/transaction; and 10) if the BD, IA, or FSP concludes that financial exploitation has occurred or been attempted, or is being attempted, then they can extend the delay by an additional 10 days unless otherwise terminated or extended.*
SF2466		3/28/2019	Senate: Author added	
SB142	Missouri	2/6/2019	Senate Seniors, Families and Children Committee: Hearing Conducted	***Adjourned May 17 (annual sessions; no carryover)***
SB486	Missouri	4/10/2019	Senate Seniors, Families and Children Committee: Hearing Cancelled	***Adjourned May 17 (annual sessions; no carryover)***
HB1736	Missouri	12/12/2019	Pre-filed	***Pre-filed for 2020.*** *Differences from the NASAA Model Act – 1) "qualified adult" means a person who is 60 or who is between 18 and 59 and has a disability; 2) an immediate family member, legal guardian, conservator, co-trustee, successor trustee, or agent under a POA or other individual reasonably associated with the qualified adult may be notified;*

				3) the agencies may provide information regarding a qualified adult to the reporting qualified individual, agent, or IA representative upon request; 4) extends to transactions; 5) no requirement for the qualified individual to conduct an internal review; 6) qualified individual is required to send written notification to the qualified adult for refused disbursements or transactions; 7) a delay can expire 15 business days after the initial refusal; and 8) the commissioner of securities and the director of health & senior services are also able to issue an order extending the delay.
SB252	New Hampshire	7/10/2019	Signed by Governor; Chapter 204	
S5037	New York (to require issuance of guidelines)	4/4/2019	Referred to Banks	***Carryover from 2019.*** *This bill is not a report-and-hold bill or based on the Model Act. Flagged because it directs the superintendent of the department of financial services – in consultation with the director of the office for aging, the AG (who oversees the securities division), representatives of the FS industry, law enforcement, senior groups, and district attorneys – to develop guidelines relating to reporting suspected financial exploitation.*
A5091	New Jersey	12/16/2019	Passed Both Assembly and Senate	***Legislature meets throughout the year (no carryover from odd to even years).*** *This bill deviates from the Model Act in some respects –1) a qualified individual is required to notify any third party previously designated by the eligible adult and may also notify any third-party reasonably associated with the eligible adult; 2) extends to transactions; 3) the broker-dealer or investment advisor provides written notification of the delay two business days after the date of the delay; 4) the bureau or APS may disclose to any notifying broker-dealer or investment adviser reasonable information on the general status or final disposition of any investigation arising from the report in connection with an extension or reasonable efforts to protect an eligible adult.*
S4259		12/16/2019	Substituted by A5091	
H6091 S433	Rhode Island	7/15/2019	Signed by Governor	

[HB4806](#)	South Carolina (banking)	12/11/2019	Pre-filed	***Pre-filed for 2020.*** *This bill is not based on the NASAA Model Act but contains similar provisions to it – if a banking institution declines a request to disburse monies, it must make a reasonable effort to provide notice to all parties authorized to transact on the account and notify the relevant law enforcement agency or APS. The hold expires when the banking institution does not think disbursement will result in financial exploitation, or upon a court order directing disbursal. Certain types of immunity (including civil and administrative) is provided. Record-sharing to law enforcement and investigative entities is allowed.* *Differences – 1) bank has full discretion about whether to decline a transaction to disburse funds; 2) no internal investigation required; 3) no reporting requirement to state banking regulator; 4) no prescribed expiration of hold after certain number of days; and 5) criminal immunity is also provided.*
[SB428](#)	Wisconsin	11/14/2019	Public hearing held	***Legislature meets throughout the year.*** *Differences from the NASAA Model Act – 1) applies to adults at risk under state law or at least 60; 2) permissive reporting to DFI, APS agencies, a law enforcement agency, or any combination of them; 3) the qualified individual may notify a) any authorized contacts by the vulnerable adult, b) the vulnerable adult's spouse, parent, or adult child, or any other individual reasonably associated with the vulnerable adult, c) any legal guardian of the vulnerable adult, d) any trustee, co-trustee, or successor trustee of the account of the vulnerable adult, e) any agent under a POA of the vulnerable adult, and f) any other person permitted under applicable law or rule of the division; 4) extends to transactions; 5) notification of a delayed disbursement/transaction must be made no more than two days after the delay; 6) reports about the internal review is provided upon request; and 7) the division or agency who received the notice may disclose to the broker-dealer or investment adviser information relating to the status or results of any investigation arising from that notice.*
[AB482](#)		11/14/2019	Public hearing held	

SB429	Wisconsin (banking)	9/17/2019	Introduced	*Differences from the NASAA Model Act – 1) applying to adults at risk or at least 60; 2) the vulnerable adult has the opportunity to submit and periodically update a list of persons that the vulnerable adult authorizes the FS provider to contact; 3) FS provider may inform any co-owner, additional authorized signatory, or beneficiary on the account, and family members; 4) after a delay/refusal, there is no timeframe for which the FS provider has to notify parties authorized to transact on the account and APS; 5) no notification is provided to DFI; 6) the delay/refusal to execute the transaction expires on the earlier of: 5 days, when the FS provider reasonably believes the transaction will not result in financial exploitation, or when the customer has been advised of the risk and has requested to go through with it; 7) FS provider can extend the delay/refusal; 8) also includes criminal immunity; 9) no provisions on record-sharing.*
AB481		9/26/2019	Read first time and referred to Committee on Criminal Justice and Public Safety	
HB1987 SB1490	Virginia	3/18/2019	Approved by Governor – Chapters 420 & 421, effective 7/1/2019	
SB1175	Virginia	1/25/2019	Senate: Incorporated by Rehabilitation and Social Services (SB1490-Obenshain) (15-Y 0-N)	