

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2720

By: Hefner

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6 AS INTRODUCED

7 An Act relating to guardian and ward; amending 30
8 O.S. 2021, Section 3-119, which relates to the
9 limitation of powers of a guardian; removing certain
10 limitation of guardian powers; providing that
11 guardians shall have the power to consent on behalf
12 of a ward to the withholding or withdrawal of life-
13 sustaining procedures for hospice care only; and
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 30 O.S. 2021, Section 3-119, is
17 amended to read as follows:

18 Section 3-119. A. A guardian shall have no powers except as
19 provided by the Oklahoma Statutes or given to such guardian in the
20 orders in the guardianship proceeding. This limitation of powers
21 includes but is not limited to the following:

22 1. ~~No guardian shall have the power to consent on behalf of the~~
23 ~~ward to the withholding or withdrawal of life sustaining procedures~~
24 ~~as provided in the Oklahoma Advance Directive Act from the ward,~~
~~except, in accordance with Section 3102.4 of Title 63 of the~~
~~Oklahoma Statutes:~~

- 1 a. ~~with specific authorization of the court having~~
2 ~~jurisdiction over the guardianship proceedings which~~
3 ~~authorization must be granted in a separate order and~~
4 ~~only at such time as the ward is in need of life-~~
5 ~~sustaining treatment, and must include specific~~
6 ~~findings of fact and conclusions of law based on the~~
7 ~~standard established in Section 3101.16 of Title 63 of~~
8 ~~the Oklahoma Statutes,~~
- 9 b. ~~as authorized by an advance directive executed~~
10 ~~pursuant to the Oklahoma Advance Directive Act,~~
- 11 c. ~~as authorized by a consent not to resuscitate made~~
12 ~~pursuant to the Oklahoma Do Not Resuscitate Act, or~~
- 13 d. ~~to receive hospice services as authorized by a~~
14 ~~licensed physician who determines the ward is~~
15 ~~terminally ill, as defined in Section 1-860.2 of Title~~
16 ~~63 of the Oklahoma Statutes, provided that withholding~~
17 ~~or withdrawal of life-sustaining procedures can be~~
18 ~~authorized only in accordance with the provisions of~~
19 ~~this paragraph;~~

20 ~~2.~~ No guardian or court having jurisdiction of the guardianship
21 proceeding shall have the power to consent on behalf of the ward or
22 order the consent on behalf of the ward to the termination or
23 relinquishment of parental rights of the ward;

1 ~~3. Except in an emergency and only as necessary to preserve the~~
2 ~~life of the ward, no guardian shall have the power to consent on~~
3 ~~behalf of the ward to an abortion, psychosurgery, removal of a~~
4 ~~bodily organ, performance of any experimental biomedical or~~
5 ~~behavioral procedure, or participation in any biomedical or~~
6 ~~behavioral experiment, except with specific authorization of the~~
7 ~~court having jurisdiction of the guardianship proceeding;~~

8 4. 2. No guardian shall have the power to prohibit the marriage
9 or divorce of a ward except with specific authorization of the court
10 having jurisdiction of the guardianship proceeding; and

11 ~~5. No guardian shall have the power to consent on behalf of the~~
12 ~~ward to placement of the ward in a facility or institution to which~~
13 ~~a person without a guardian would have to be committed pursuant to~~
14 ~~the laws of this state absent formal commitment proceedings in which~~
15 ~~the ward has independent counsel~~

16 B. A guardian shall have the power to consent on behalf of the
17 ward to the withholding or withdrawal of life-sustaining procedures
18 for hospice care only in accordance of the Oklahoma Advance
19 Directive Act for the ward.

20 SECTION 2. This act shall become effective November 1, 2023.

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22 59-1-6762 JL 01/16/23
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