

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2588 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Sean Roberts \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2588

By: Roberts (Sean)

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to guardians; amending 30 O.S. 2011,  
10 Section 3-119, as amended by Section 2, Chapter 86,  
11 O.S.L. 2019 (30 O.S. Supp. 2019, Section 3-119),  
12 which relates to limitation of powers of guardian;  
13 requiring separate order from court; providing  
14 requirements to be included in order; limiting  
15 authorization to certain circumstances; and providing  
16 an effective date.

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

18 SECTION 1. AMENDATORY 30 O.S. 2011, Section 3-119, as  
19 amended by Section 2, Chapter 86, O.S.L. 2019 (30 O.S. Supp. 2019,  
20 Section 3-119), is amended to read as follows:

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

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

- 6 a. with specific authorization of the court having  
7 jurisdiction over the guardianship proceedings which  
8 authorization must be granted in a separate order in  
9 proceedings in which the ward has independent counsel  
10 and only at such time as the ward is in need of life-  
11 sustaining treatment, and must include specific  
12 findings of fact and conclusions of law based on the  
13 standard established in Section 3101.16 of Title 63 of  
14 the Oklahoma Statutes,
- 15 b. as authorized by an advance directive executed  
16 pursuant to the Oklahoma Advance Directive Act,
- 17 c. as authorized by a consent not to resuscitate made  
18 pursuant to the Oklahoma Do-Not-Resuscitate Act, or
- 19 d. to receive hospice services as authorized by a  
20 licensed physician who determines the ward is  
21 terminally ill, as defined in Section 1-860.2 of Title  
22 63 of the Oklahoma Statutes, provided that withholding  
23 or withdrawal of life-sustaining procedures can be  
24

1                   authorized only in accordance with the provisions of  
2                   this paragraph;

3           2. No guardian or court having jurisdiction of the guardianship  
4 proceeding shall have the power to consent on behalf of the ward or  
5 order the consent on behalf of the ward to the termination or  
6 relinquishment of parental rights of the ward;

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

14           4. No guardian shall have the power to prohibit the marriage or  
15 divorce of a ward except with specific authorization of the court  
16 having jurisdiction of the guardianship proceeding; and

17           5. No guardian shall have the power to consent on behalf of the  
18 ward to placement of the ward in a facility or institution to which  
19 a person without a guardian would have to be committed pursuant to  
20 the laws of this state absent formal commitment proceedings in which  
21 the ward has independent counsel.

22           SECTION 2. This act shall become effective November 1, 2020.

23  
24           57-2-11028           SH           02/12/20