

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2588

By: Roberts (Sean)

7
8 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. No guardian shall have the power to consent on behalf of the
ward to the withholding or withdrawal of life-sustaining procedures

1 as provided in the Oklahoma Advance Directive Act from the ward,
2 except, in accordance with Section 3102.4 of Title 63 of the
3 Oklahoma Statutes:

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

23 2. No guardian or court having jurisdiction of the guardianship
24 proceeding shall have the power to consent on behalf of the ward or

1 order the consent on behalf of the ward to the termination or
2 relinquishment of parental rights of the ward;

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

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/26/2020 -
21 DO PASS, As Amended.

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