

ENROLLED HOUSE  
BILL NO. 2012

By: Askins of the House

and

Monson and Henry of the  
Senate

An Act relating to public health and safety;  
authorizing certain persons to provide certain  
treatments, tests and drugs upon certain informed  
consent; listing persons eligible to give such  
consent; prohibiting certain persons from giving  
such consent; providing for codification; and  
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 3102A of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. When an adult person, because of a medical condition, is  
treated by a licensed medical doctor or doctor of osteopathy holding  
a faculty appointment at a medical school accredited by the Liaison  
Committee on Medical Education or American Osteopathic Association  
and such person is incapable of giving informed consent for a local-  
institutional-review-board-approved experimental treatment, test or  
drug, then such treatment, test or drug may proceed upon obtaining  
informed consent of a legal guardian, attorney-in-fact with health  
care decision authority, or a family member in the following order  
of priority:

1. The spouse, unless the patient has no spouse, or is  
separated, or the spouse is physically or mentally incapable of  
giving consent, or the spouse's location is unknown or the spouse is  
overseas, or the spouse is otherwise not available;
2. An adult son or daughter;
3. Either parent;
4. An adult brother or sister; or
5. A relative by blood or marriage.

B. Nothing in this section shall authorize such legal guardian,  
attorney-in-fact or family member to consent to treatment in  
contravention to such incapacitated person's expressed permission or  
prohibition regarding such treatment.

SECTION 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 14th day of April, 1997.

Speaker

of the House of  
Representatives

Passed the Senate the 2nd day of April, 1997.

President of the Senate