

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2012

By: Askins

AS INTRODUCED

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, 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 regarding such treatment.

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

46-1-5506

MCD