1 ENGROSSED HOUSE BILL NO. 2588 By: Roberts (Sean) of the House 2 and 3 Daniels of the Senate 4 5 An Act relating to guardians; amending 30 O.S. 2011, 6 Section 3-119, as amended by Section 2, Chapter 86, 7 O.S.L. 2019 (30 O.S. Supp. 2019, Section 3-119), which relates to limitation of powers of guardian; requiring separate order from court; providing 8 requirements to be included in order; limiting 9 authorization to certain circumstances; and providing an effective date. 10 11 12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 13 SECTION 1. AMENDATORY 30 O.S. 2011, Section 3-119, as 14 amended by Section 2, Chapter 86, O.S.L. 2019 (30 O.S. Supp. 2019, 15 Section 3-119), is amended to read as follows: 16 Section 3-119. A quardian shall have no powers except as 17 provided by the Oklahoma Statutes or given to such guardian in the 18 orders in the quardianship proceeding. This limitation of powers 19 includes but is not limited to the following: 20 1. No quardian shall have the power to consent on behalf of the 21 ward to the withholding or withdrawal of life-sustaining procedures 22 as provided in the Oklahoma Advance Directive Act from the ward, 23 except, in accordance with Section 3102.4 of Title 63 of the

Oklahoma Statutes:

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- a. with specific authorization of the court having jurisdiction over the guardianship proceedings which authorization must be granted in a separate order and only at such time as the ward is in need of life-sustaining treatment, and must include specific findings of fact and conclusions of law based on the standard established in Section 3101.16 of Title 63 of the Oklahoma Statutes,
- b. as authorized by an advance directive executed pursuant to the Oklahoma Advance Directive Act,
- c. as authorized by a consent not to resuscitate made pursuant to the Oklahoma Do-Not-Resuscitate Act, or
- d. to receive hospice services as authorized by a licensed physician who determines the ward is terminally ill, as defined in Section 1-860.2 of Title 63 of the Oklahoma Statutes, provided that withholding or withdrawal of life-sustaining procedures can be authorized only in accordance with the provisions of this paragraph;
- 2. No guardian or court having jurisdiction of the guardianship proceeding shall have the power to consent on behalf of the ward or order the consent on behalf of the ward to the termination or relinquishment of parental rights of the ward;

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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. No guardian shall have the power to prohibit the marriage or
9	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	SECTION 2. This act shall become effective November 1, 2020.
17	Passed the House of Representatives the 10th day of March, 2020.
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19	Presiding Officer of the House
20	of Representatives
21	Passed the Senate the day of , 2020.
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