

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3906

By: Hefner

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5

6 AS INTRODUCED

7 An Act relating to supported decision-making;
8 enacting the Oklahoma Supported Decision-Making Act;
9 providing purpose; defining terms; providing how
10 individual may enter into and terminate a supported
11 decision-making agreement; authorizing supporter to
12 assist in certain tasks; prohibiting supporter from
13 committing certain acts; authorizing supporter to
14 assist principal in obtaining certain information;
15 prohibiting supported decision-making agreement to be
16 used as certain evidence at trial; authorizing adult
17 to act independently of the agreement; providing that
18 a decision or request made may be enforced by the
19 principal or supporter; authorizing persons to rely
20 on certain presumptions; relieving certain persons of
21 civil or criminal liability; providing that nothing
22 shall affect the requirement to report abuse,
23 neglect, exploitation, isolation, or abandonment;
24 providing example form for a supported decision-
making agreement; providing for codification; and
providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1451 of Title 10, unless there
23 is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Oklahoma
2 Supported Decision-Making Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1452 of Title 10, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The purpose of this act is to:

7 1. Provide person-centered and directed assistance to an adult
8 with a disability to gather and assess information, make informed
9 decisions, and communicate decisions;

10 2. Give supporters legal status to be with such an adult and
11 participate in discussions with others when the adult is making
12 decisions or attempting to obtain information; and

13 3. Enable supporters to assist in making and communicating
14 decisions for such an adult but not substitute as the decision-maker
15 for the adult.

16 B. This act shall be interpreted in accordance with the
17 following principles:

18 1. An adult should be able to live in the manner in which he or
19 she wishes and to accept or refuse support, assistance, or
20 protection as long as the adult does not harm himself, herself, or
21 others and is capable of making decisions about such matters;

22 2. An adult should be able to be informed about and, to the
23 best of his or her ability, participate in the management of his or
24 her affairs;

1 3. An adult should receive the most effective, yet least
2 restrictive and intrusive, form of support, assistance, or
3 protection when the adult is unable to manage his or her affairs
4 alone; and

5 4. The values, beliefs, wishes, cultural norms, and traditions
6 that an adult holds should be respected in managing his or her
7 affairs.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1453 of Title 10, unless there
10 is created a duplication in numbering, reads as follows:

11 As used in the Supported Decision-Making Act, unless a different
12 meaning is clearly required by the context:

13 1. "Adult" means a natural person who is eighteen (18) years of
14 age or older;

15 2. "Affairs" means personal, health care, or financial matters
16 arising in the course of activities of daily living, including,
17 without limitation:

18 a. matters in which an adult makes decisions relating to
19 his or her health, including, without limitation:

20 (1) monitoring the adult's health,

21 (2) obtaining, scheduling, and coordinating health
22 and support services,

23 (3) understanding health care information and
24 options, and

(4) making personal decisions to provide for the adult's care and comfort, and

b. financial matters in which an adult manages his or her income and assets and the use thereof for clothing, support, care, comfort, education, shelter, or the payment of his or her liabilities;

3. "Covered education agreement" means a supported decision-

making agreement that is entered into for the sole purpose of

providing supported decision-making related to the supported

10 person's education and the Individuals with Disabilities Education

11 Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C., Section 1400

12 et seq.), or Section 504 of the Rehabilitation Act of 1973, approved

13 September 26, 1973 (87 Stat. 394; 29 U.S.C., Section 794);

4. "Electronic" means relating to technology having electrical,

digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

5. "Person" means a natural person, health care facility,

provider of health care, corporation, partnership, limited-liability

company, association, joint venture, public corporation, government

20 or governmental subdivision, agency or instrumentality, or any other

legal or commercial entity;

6. "Principal" means an adult who seeks to enter, or has

entered, into a supported decision-making agreement with one or more

supporters pursuant to this act;

1 7. "Record" means document, book, paper, photograph, microfilm,
2 computer tape, disk, record, sound recording, film recording, video
3 record, electronic files and documents, or other material;

4 8. "Sign" means:

5 a. to execute or adopt a tangible symbol with the present
6 intent to authenticate a record, or
7 b. to attach or logically associate an electronic symbol,
8 sound, or process to or with a record with the present
9 intent to authenticate the record;

10 9. "Support services" means a coordinated system of social and
11 other services that are supplied by private, state, institutional,
12 or community providers and are designed to help maintain the
13 independence of an adult, including, without limitation:

14 a. homemaker services, such as house repair, cleaning,
15 laundry, shopping, and providing meals,
16 b. companion services, such as transportation and the
17 facilitation of written, oral, and electronic
18 communication,
19 c. medical services,
20 d. visiting nurse and attendant care,
21 e. physical and psychosocial assessments,
22 f. financial assessments and advisement relating to
23 banking, taxes, loans, investments, or the management
24 of real property,

- g. legal assessments and advisement,
- h. educational services, including, without limitation, educational assessments and advisement,
- i. personal care services, including, without limitation, assistance with daily activities such as bathing, dressing, and eating,
- j. care planning,
- k. residential, employment, or day program services and supports, including, without limitation, training, or career planning, and
- l. other services necessary to maintain the independence of an adult;

10. "Supported decision-making agreement" means an agreement

between a principal and one or more supporters that is entered into pursuant to this act; and

11. "Supporter" means a person who is named in a supported decision-making agreement to provide specified assistance to a principal.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1454 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. An adult may enter into a supported decision-making agreement at any time if the adult:

1 1. Enters into the agreement voluntarily and without coercion
2 or undue influence; and

3 2. Understands the nature and effect of the agreement.

4 B. A supported decision-making agreement shall:

5 1. Be in writing;

6 2. Be dated;

7 3. Designate one or more supporters;

8 4. List the types of decisions with which the supporter is
9 authorized to assist the principal;

10 5. List the types of decisions, if any, with which the
11 supporter is not authorized to assist the principal; and

12 6. Be signed by each party to the agreement in the presence of
13 at least two adult witnesses.

14 C. A principal or a supporter may terminate a supported
15 decision-making agreement at any time, either verbally or in
16 writing, and with notice to the other parties to the agreement.

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1455 of Title 10, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Except as otherwise provided in a supported decision-making
21 agreement and subsection B of this section, a supporter may do all
22 of the following:

23 1. Assist the principal in understanding information, options,
24 responsibilities and consequences of the principal's life decisions,

1 including, without limitation, decisions relating to the principal's
2 affairs or supportive services;

3 2. Help the principal access, obtain, and understand any
4 information that is relevant to any given life decision, including,
5 without limitation, medical, psychological, financial, or
6 educational decisions, or any treatment records or records necessary
7 to manage the principal's affairs or support services;

8 3. Assist the principal in finding, obtaining, making
9 appointments for, and implementing the principal's support services
10 or plans for support services;

11 4. Help the principal monitor information about the principal's
12 affairs or support services, including, without limitation, keeping
13 track of future necessary or recommended services; and

14 5. Ascertain the wishes and decisions of the principal, assist
15 in communicating those wishes and decisions to other persons, and
16 advocate to ensure that the wishes and decisions of the principal
17 are implemented.

18 B. A supporter is prohibited from doing any of the following:

19 1. Exerting undue influence upon, or making decisions on behalf
20 of, the principal;

21 2. Obtaining, without the consent of the principal, information
22 that is not reasonably related to matters with which the supporter
23 is authorized to assist the principal pursuant to the supported
24 decision-making agreement; and

1 3. Using, without the consent of the principal, information
2 acquired for a purpose other than assisting the principal to make a
3 decision pursuant to the supported decision-making agreement.

4 C. A supporter shall act with the care, competence and
5 diligence ordinarily exercised by persons in similar circumstances,
6 with due regard to the supporter's possession or lack of special
7 skills or expertise.

8 SECTION 6. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1456 of Title 10, unless there
10 is created a duplication in numbering, reads as follows:

11 A. In addition to the activities set forth in Section 5 of this
12 act, a supporter may assist the principal with obtaining any
13 information to which the principal is entitled, including, without
14 limitation, a signed and dated specific consent, protected health
15 information under the Health Insurance Portability and
16 Accountability Act of 1996, Public Law 104-191, as amended, or
17 educational records under the Family Educational Rights and Privacy
18 Act of 1974, 20 U.S.C., Section 1232g, and any regulations adopted
19 pursuant thereto.

20 B. A supporter shall ensure that all information collected on
21 behalf of a principal pursuant to this section is:

22 1. Kept privileged and confidential, as applicable;
23 2. Not subject to unauthorized access, use, or disclosure; and
24 3. Properly disposed of when appropriate.

1 SECTION 7. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 1457 of Title 10, unless there
3 is created a duplication in numbering, reads as follows:

4 The existence of a supported decision-making agreement that is
5 entered into by an adult and one or more supporters pursuant to this
6 act may not be used as evidence of the adult's incapacity, as
7 defined in Section 3002 of Title 58 of the Oklahoma Statutes, and
8 does not preclude the ability of the adult to act independently of
9 the agreement.

10 SECTION 8. NEW LAW A new section of law to be codified

11 in the Oklahoma Statutes as Section 1458 of Title 10, unless there
12 is created a duplication in numbering, reads as follows:

13 A decision or request made or communicated by a principal with
14 the assistance of a supporter in accordance with this act shall, for
15 the purposes of any provision of law, be recognized as the decision
16 or request of the principal and may be enforced by the principal or
17 supporter in law or equity on the same basis as a decision or
18 request of the principal.

19 SECTION 9. NEW LAW A new section of law to be codified

20 in the Oklahoma Statutes as Section 1459 of Title 10, unless there
21 is created a duplication in numbering, reads as follows:

22 Any person who is not a party to a supported decision-making
23 agreement, including, without limitation, a provider of health care
24 or provider of financial services, that in good faith, as defined in

1 Section 3002 of Title 58 of the Oklahoma Statutes, accepts a
2 supported decision-making agreement:

3 1. Without actual knowledge that any of the signatures thereon
4 is not genuine may rely upon the presumption that such a signature
5 is genuine;

6 2. Without actual knowledge that the supported decision-making
7 agreement or the purported supporter's authority is void, invalid,
8 or terminated may rely upon the supported decision-making agreement
9 as if the agreement and supporter's authority are genuine, valid,
10 and still in effect; and

11 3. Is not subject to civil or criminal liability or discipline
12 for unprofessional conduct for giving effect to a declaration
13 contained within the supported decision-making agreement or for
14 following the direction of a supporter named in the supported
15 decision-making agreement.

16 SECTION 10. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1460 of Title 10, unless there
18 is created a duplication in numbering, reads as follows:

19 The provisions of this act shall not be construed to affect the
20 requirement of any person to report the abuse, neglect,
21 exploitation, isolation, or abandonment of an older person or a
22 vulnerable person as provided in Section 10-104 of Title 43A of the
23 Oklahoma Statutes.

24

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1461 of Title 10, unless there
3 is created a duplication in numbering, reads as follows:

4 A document substantially in the following form may be used to
5 create a supported decision-making agreement form that has the
6 meaning and effect prescribed by this act.

7 OKLAHOMA

8 SUPPORTED DECISION-MAKING AGREEMENT

9 IMPORTANT INFORMATION

10 This supported decision-making agreement allows an adult to receive
11 assistance in understanding, making, and communicating decisions
12 while retaining full legal authority pursuant to the Oklahoma
13 Supported Decision-Making Act.

14 PRINCIPAL INFORMATION

15 Name of Principal (Adult): _____

16 Date of Birth: _____

17 Address: _____

18 Phone / Email: _____

19 SUPPORTER(S)

20 Name of Supporter: _____

21 Relationship: _____

22 Phone / Email: _____

23 Name of Additional Supporter (optional): _____

24 Relationship: _____

1 Phone / Email: _____

2 AREAS OF SUPPORT

3 Initial each subject you would like your designated supporter(s) to
4 assist you in understanding, making, and communicating decisions.

5 (____) Health care and medical decisions

6 (____) Mental health services

7 (____) Education, including college, IDEA, and Section 504

8 (____) Employment and vocational services

9 (____) Financial matters, including budgeting and banking, but not
10 including control of funds

11 (____) Housing and community living

12 (____) Government or public benefits

13 (____) Other: _____

14 LIMITATIONS

15 My supporter(s) MAY NOT assist with the following decisions (if
16 any):

18 SUPPORTER AUTHORITY

19 The supporter may assist the principal by:

- 20 1. Helping understand information and options;
- 21 2. Helping obtain records, including, but not limited to, HIPAA and
22 FERPA, with consent;
- 23 3. Attending meetings at the request of the principal; and
- 24 4. Helping communicate the principal's decisions.

1 The supporter MAY NOT make decisions for the principal or override
2 the principal's wishes.

3 VOLUNTARY AGREEMENT

4 I affirm that I am entering this agreement voluntarily, understand
5 its purpose, and may terminate it at any time.

6 TERMINATION

7 This agreement may be terminated at any time by the principal or any
8 supporter, verbally or in writing.

9 SIGNATURES

10 Principal Signature: _____

11 Date: _____

12 Supporter Signature: _____

13 Date: _____

14 Additional Supporter Signature (if applicable): _____

15 Date: _____

16 WITNESSES

17 Witness #1 Name & Signature: _____

18 Date: _____

19 Witness #2 Name & Signature: _____

20 Date: _____ "

21 SECTION 12. This act shall become effective November 1, 2026.

23 60-2-14502 CMA 01/12/26

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