

**House File 2570 - Introduced**

HOUSE FILE 2570  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 161)

**A BILL FOR**

1 An Act relating to the authority of an attorney in fact under a  
2 durable power of attorney for health care.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 144B.6, subsection 2, Code 2026, is  
2 amended to read as follows:

3 2. In exercising the authority under the durable power of  
4 attorney for health care, the attorney in fact has a duty  
5 to act in accordance with the desires of the principal as  
6 expressed in the durable power of attorney for health care,  
7 a declaration executed by the principal pursuant to section  
8 144A.3, or otherwise made known to the attorney in fact at  
9 any time. A declaration executed by the principal pursuant to  
10 the life-sustaining procedures Act, chapter 144A, shall not be  
11 interpreted as expressing an intent to prohibit the withdrawal of  
12 hydration or nutrition when required to be provided parenterally  
13 or through intubation and shall not otherwise restrict the The  
14 authority of the attorney in fact shall not be restricted by the  
15 desires of the principal as expressed verbally to a person other  
16 than the attorney in fact or in any other document unless either  
17 the declaration or, in a separate section of the durable power  
18 of attorney for health care, the principal expressly provides  
19 otherwise states that the durable power of attorney for health  
20 care is limited and includes the limitations on the authority of  
21 the attorney in fact. If the principal's desires are unknown,  
22 the attorney in fact has a duty to act in the best interests  
23 of the principal, taking into account the principal's overall  
24 medical condition and prognosis.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill relates to the authority of an attorney in fact  
29 (attorney) under a durable power of attorney for health care  
30 (durable power of attorney).

31 Current law provides that an attorney under a durable power  
32 of attorney has the duty to act in accordance with the desires  
33 expressed in the durable power of attorney or made known to  
34 the attorney by the principal who executed the durable power  
35 of attorney. If the principal executes a declaration related

1 to life-sustaining procedures, the declaration shall not be  
2 interpreted to prohibit the attorney from withdrawing hydration  
3 or nutrition in certain circumstances, or otherwise restrict the  
4 authority of the attorney.

5 The bill requires the attorney in fact to act in accordance  
6 with the desires of the principal as expressed in the durable  
7 power of attorney, a declaration relating to the use of  
8 life-sustaining procedures, or made known to the attorney by the  
9 principal. The bill provides that the authority of the attorney  
10 shall not be restricted by the principal's desires expressed  
11 verbally to a person other than the attorney, or in another  
12 document, unless the document authorizing the durable power of  
13 attorney states in a separate section that the durable power  
14 of attorney is limited, and includes the limitations on the  
15 attorney's authority.

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