

House Study Bill 161 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
HOLT)

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 2025, 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 to~~
5 ~~act in accordance with~~ shall give preference to the desires of
6 the principal as expressed in the durable power of attorney for
7 health care, a declaration executed by the principal pursuant to
8 section 144A.3, or otherwise made known to the attorney in fact
9 at any time. A declaration executed by the principal pursuant
10 to 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 amends the attorney's duty by requiring the attorney
6 to give preference to the desires of the principal as expressed
7 in the durable power of attorney, a declaration relating to the
8 use of life-sustaining procedures, or made known to the attorney
9 by the principal. The bill provides that the authority of
10 the attorney shall not be restricted by the principal's desires
11 expressed verbally to a person other than the attorney, or in
12 another document, unless the document authorizing the durable
13 power of attorney states in a separate section that the durable
14 power of attorney is limited, and includes the limitations on the
15 attorney's authority.

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