

**Senate File 2198 - Introduced**

SENATE FILE 2198  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3020)

**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:

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

26 EXPLANATION

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

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

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

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

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