

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	Senate 2198	House Committee:	PASSED on February 12 (21-0)
Committee:	Judiciary	House Floor:	PASSED on March 10 (93-0)
Floor Manager:	Rep. Gustoff	Senate Floor:	PASSED on February 24 (47-0)
Date:	May 12, 2026	Governor:	SIGNED on April 9, 2026
Staff:	Amanda Wille (1-5230)		

Durable Power of Attorney

- Requires an attorney in fact to act in accordance with the wishes of an individual
- Verbal statements to third parties do not restrict the attorney in facts power.

Section by Section Analysis

Section 1 –Durable power of Attorney for Health Care – Attorney in Fact- Priority to Make Decisions (144B.6)

An attorney in fact must act according to the desires of the principal (the person who granted the power) as expressed in the durable power of attorney.

Verbal statements made by the principal to other people, or desires stated in other documents, do not restrict the attorney in fact's authority, unless they are restricted in the durable power of attorney itself.

If the principal's desires are unknown, the attorney in fact is required to act in the best interests of the principal, taking into account their medical condition and prognosis.

Amendment Analysis