

Effective 1/1/2026

Part 8

Order for Life Sustaining Treatment

26B-2-801 Definitions for part.

As used in this part:

- (1) "Adult" means an individual who is:
 - (a) at least 18 years old; or
 - (b) under 18 years old and is emancipated.
- (2) "APRN" means an individual who is:
 - (a) certified or licensed as an advanced practice registered nurse under Subsection 58-31b-301(2);
 - (b) an independent practitioner; and
 - (c) acting within the scope of practice for that individual, as provided by law, rule, and specialized certification and training in that individual's area of practice.
- (3) "Capacity" means the same as that term is defined in Section 75A-9-101.
- (4) "Emergency medical services provider" means a person that is licensed, designated, or certified under Title 53, Chapter 2d, Emergency Medical Services Act.
- (5) "Health care" means the same as that term is defined in Section 75A-9-101.
- (6) "Health care provider" means the same as that term is defined in Section 78B-3-403, except that "health care provider" does not include an emergency medical services provider.
- (7)
 - (a) "Life sustaining care" means any medical intervention, including procedures, administration of medication, or use of a medical device, that maintains life by sustaining, restoring, or supplanting a vital function.
 - (b) "Life sustaining care" does not include care provided for the purpose of keeping an individual comfortable.
- (8) "Minor" means an individual who:
 - (a) is under 18 years old; and
 - (b) is not emancipated.
- (9) "Order for life sustaining treatment" means an order related to life sustaining treatment, on a form designated by the Department of Health and Human Services under Section 26B-2-802, that gives direction to health care providers, health care facilities, and emergency medical services providers regarding the specific health care decisions of the individual to whom the order relates.
- (10) "Parent" means the same as that term is defined in Section 75-1-201.
- (11) "Physician" means a physician and surgeon or osteopathic surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.
- (12) "Physician assistant" means an individual licensed as a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- (13) "Sign" means the same as that term is defined in Section 75-1-201.
- (14) "Substituted judgment" means the standard to be applied by a surrogate when making a health care decision for an adult who previously had the capacity to make health care decisions, which requires the surrogate to consider:
 - (a) specific preferences expressed by the adult:
 - (i) when the adult had the capacity to make health care decisions; and
 - (ii) at the time the decision is being made;

- (b) the surrogate's understanding of the adult's health care preferences;
 - (c) the surrogate's understanding of what the adult would have wanted under the circumstances; and
 - (d) to the extent that the preferences described in Subsections (14)(a) through (c) are unknown, the best interest of the adult.
- (15) "Surrogate" means the same as that term is defined in Section 75A-9-101.

Amended by Chapter 96, 2026 General Session

26B-2-802 Order for life sustaining treatment.

- (1) An order for life sustaining treatment may be created by or on behalf of an individual as described in this section.
- (2) An order for life sustaining treatment shall, in consultation with the individual authorized to consent to the order pursuant to this section, be prepared by:
 - (a) the physician, APRN, or physician assistant of the individual to whom the order for life sustaining treatment relates; or
 - (b) a health care provider who:
 - (i) is acting under the supervision of an individual described in Subsection (2)(a); and
 - (ii) is:
 - (A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;
 - (B) a physician assistant, licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;
 - (C) a mental health professional, licensed under Title 58, Chapter 60, Mental Health Professional Practice Act; or
 - (D) another health care provider, designated by rule as described in Subsection (10).
- (3) An order for life sustaining treatment shall be signed:
 - (a) personally, by the physician, APRN, or physician assistant of the individual to whom the order for life sustaining treatment relates; and
 - (b)
 - (i) if the individual to whom the order for life sustaining treatment relates is an adult with capacity, by:
 - (A) the individual; or
 - (B) an adult who is directed by the individual to sign the order for life sustaining treatment on behalf of the individual;
 - (ii) if the individual to whom the order for life sustaining treatment relates is an adult who lacks capacity, by:
 - (A) the surrogate with the highest priority under Section 75A-9-111;
 - (B) the majority of the class of surrogates with the highest priority under Section 75A-9-111; or
 - (C) an individual directed to sign the order for life sustaining treatment by, and on behalf of, the individuals described in Subsection (3)(b)(ii)(A) or (B); or
 - (iii) if the individual to whom the order for life sustaining treatment relates is a minor, by a parent or guardian of the minor.
- (4) If an order for life sustaining treatment relates to a minor and directs that life sustaining treatment be withheld or withdrawn from the minor, the order shall include a certification by two physicians that, in their clinical judgment, an order to withhold or withdraw life sustaining treatment is in the best interest of the minor.
- (5) An order for life sustaining treatment:
 - (a) shall be in writing, on a form designated by the Department of Health and Human Services;

- (b) shall state the date on which the order for life sustaining treatment was made;
 - (c) may specify the level of life sustaining care to be provided to the individual to whom the order relates; and
 - (d) may direct that life sustaining care be withheld or withdrawn from the individual to whom the order relates.
- (6) A health care provider or emergency medical service provider, licensed or certified under Title 53, Chapter 2d, Emergency Medical Services Act, is immune from civil or criminal liability, and is not subject to discipline for unprofessional conduct, for:
- (a) complying with an order for life sustaining treatment in good faith; or
 - (b) providing life sustaining treatment to an individual when an order for life sustaining treatment directs that the life sustaining treatment be withheld or withdrawn.
- (7) To the extent that the provisions of an order for life sustaining treatment described in this section conflict with the provisions of an advance health care directive made under Section 75A-9-906, the provisions of the order for life sustaining treatment take precedence.
- (8) An adult, or a parent or guardian of a minor, may revoke an order for life sustaining treatment by:
- (a) orally informing emergency service personnel;
 - (b) writing "void" across the order for life sustaining treatment form;
 - (c) burning, tearing, or otherwise destroying or defacing:
 - (i) the order for life sustaining treatment form; or
 - (ii) a bracelet or other evidence of the order for life sustaining treatment;
 - (d) asking another adult to take the action described in this Subsection (8) on the individual's behalf;
 - (e) signing or directing another adult to sign a written revocation on the individual's behalf;
 - (f) stating, in the presence of an adult witness, that the individual wishes to revoke the order; or
 - (g) completing a new order for life sustaining treatment.
- (9)
- (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks capacity may only revoke an order for life sustaining treatment if the revocation is consistent with the substituted judgment standard.
 - (b) Except as provided in Subsection (9)(c), a surrogate who has authority under this section to sign an order for life sustaining treatment may revoke an order for life sustaining treatment, in accordance with Subsection (9)(a), by:
 - (i) signing a written revocation of the order for life sustaining treatment; or
 - (ii) completing and signing a new order for life sustaining treatment.
 - (c) A surrogate may not revoke an order for life sustaining treatment during the period of time beginning when an emergency service provider is contacted for assistance, and ending when the emergency ends.
- (10)
- (a) The Department of Health and Human Services shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (i) create the forms and systems described in this section; and
 - (ii) develop uniform instructions for the form established in Section 75A-9-110.
 - (b) The Department of Health and Human Services may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to designate health care professionals, in addition to those described in Subsection (2)(b)(ii), who may prepare an order for life sustaining treatment.

- (c) The Department of Health and Human Services may assist others with training of health care professionals regarding this chapter.

(11)

- (a) Notwithstanding any other provision of this section:
 - (i) the provisions of Title 46, Chapter 4, Uniform Electronic Transactions Act, apply to any signature required on the order for life sustaining treatment; and
 - (ii) a verbal confirmation satisfies the requirement for a signature from an individual under Subsection (3)(b)(ii) or (iii), if:
 - (A) requiring the individual described in Subsection (3)(b)(i)(B), (ii), or (iii) to sign the order for life sustaining treatment in person or electronically would require significant difficulty or expense; and
 - (B) a licensed health care provider witnesses the verbal confirmation and signs the order for life sustaining treatment attesting that the health care provider witnessed the verbal confirmation.
- (b) The health care provider described in Subsection (11)(a)(ii)(B):
 - (i) may not be the same individual who signs the order for life sustaining treatment under Subsection (3)(a); and
 - (ii) shall verify, in accordance with HIPAA as defined in Section 26B-3-126, the identity of the individual who is providing the verbal confirmation.

Renumbered and Amended by Chapter 439, 2025 General Session