

Effective 1/1/2026

75A-9-114 Revocation.

- (1) An individual may revoke the appointment of an agent, the designation of a default surrogate, or a health care instruction in whole or in part, unless:
 - (a) a court finds the individual lacks capacity to do so; or
 - (b) the individual is found under Subsection 75A-9-103(2) to lack capacity to do so and, if the individual objects to the finding, the finding is confirmed under Subsection 75A-9-104(4)(d).
- (2) Revocation under Subsection (1) may be by any act of the individual that clearly indicates that the individual intends to revoke the appointment, designation, or instruction, including an oral statement to a health care professional.
- (3) Except as provided in Section 75A-9-109, an advance health care directive of an individual that conflicts with another advance health care directive of the individual revokes the earlier directive to the extent of the conflict.
- (4) Unless otherwise provided in an individual's advance health care directive appointing an agent, the appointment of a spouse of an individual as agent for the individual is revoked if:
 - (a) a petition for annulment, divorce, dissolution of marriage, legal separation, or termination has been filed and not dismissed or withdrawn;
 - (b) a decree of annulment, divorce, dissolution of marriage, legal separation, or termination has been issued;
 - (c) the individual and the spouse have agreed in a record to a legal separation; or
 - (d) the spouse has willfully deserted the individual for more than one year.

Enacted by Chapter 439, 2025 General Session