

Alaska Legislature
Representative Charisse Millett

Session:
State Capitol Building
Juneau, AK 99801
Phone (907) 465-3879
Fax (907) 465-2069
Toll free (888) 269-3879



Interim:
Anchorage LIO
1500 West Benson Blvd.
Anchorage, AK 99501
Phone (907) 269-0222
Fax (907) 269-0223

**Draft CS for House Bill 336: The Supported Decision-Making Agreements Act
Sectional Analysis**

Section One: Amending AS 13, which related to decedents' estates, guardianships, transfers, trusts and health care decisions, by adding a new chapter

13.56.010: Authorizes adults to enter into a supported decision-making agreement (SDMA) and spells out reasons why an adult may not enter a SDMA.

13.56.020: Describes the requirements adults must meet to be qualified as supporters in SDMAs.

13.56.030: Sets the parameters for what a SDMA must contain to be legitimate. Also deals with alternate supporters and sharing of information amongst supporters.

13.56.040: This section lays out the precise requirements for a SDMA to be valid, and how the principal and supporter(s) may formalize the signing of the SDMA.

13.56.050: Mandates that each supporter acknowledge their relationship with the principal and their responsibilities to support the principal.

13.56.060: Delineates who a witness to the signing of the SDMA can and cannot be.

13.56.070: Clarifies when a SDMA becomes effective and how long they last.

13.56.080: This section details how either a principal or supporter(s) of a SDMA may terminate all or portions of a SDMA. Likewise, explains what happens to a SDMA if only portions of it are terminated.

13.56.090: States the general duties of supporters.

13.56.100: Outlines the areas of a principal's life, including health, finances, education and communication, that a supporter may provide support in. Also provides a way for supporters to help the principal deal with health information covered under federal healthcare privacy laws.

13.56.110: Prohibits supporters from wrongfully guiding and influencing the principal in a harmful manner. This section also prohibits supporters from using or obtaining the principal's personal information without their consent.

13.56.120: Requires the supporter(s) of a principal to keep all information related to the principal confidential, protected and shielded from unauthorized use.

13.56.130: Directs people who interact with principals/supporter(s) to recognize the communication, requests and decisions made by the principal (with support from the supporter(s)) as if that communication, request or decision was made solely by the principal.

13.56.140: This section absolves a person (for three distinct reasons) from civil or criminal liability or discipline for unprofessional conduct, if they either comply or decline to comply with an authorization in a SDMA.

13.56.150: Delineates the circumstances in which a principal is capable and has capacity. A principal doesn't lack capacity based on how they communicate. Likewise, a principal may make decisions without the support of a supporter(s). Lastly, the existence of a SDMA doesn't mean a principal lacks capacity.

13.56.160: Deals entirely with the affairs of a principal that a SDMA may cover. Work, healthcare, support services education, finances, living arrangements and more are all discussed.

13.56.170: This section spells out the multitude of support services, as referenced in 13.56.160, that supporters may provide the principal as agreed upon in the SDMA.

13.56.190: Definitions

13.56.195: The short title of House Bill 336 is the Supported Decision-Making Agreements Act.

Section 2: Amends Alaska Court Rule 402, Alaska Rules of Evidence, to clarify that the execution of a SDMA cannot be used as evidence of a principal's incapacity.

Section 3: Amends the uncodified law of Alaska by amending Court Rule 402 and clarifies the two-thirds majority vote of each house needed to achieve such action.