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ALASKA STATE LEGISLATURE

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Sponsor Statement

HB 139—Guardians; Life-Sustaining Procedures

In 2020 I was contacted by a constituent who is the father and legal guardian of an adult son who has been incapacitated since birth. His son has reached middle age, and in addition to his life-long mental and physical disabilities he now suffers from a progressive, chronic disease.

The father lamented that “after 52 years caring for, nurturing, overseeing, and participating in his education and development and overall wellbeing, the State of Alaska statutes disallow me from participating in any/all lifesaving decisions regarding medical procedures related to my son’s quality of life and end-of-life care.”

To address such distressing circumstances, House Bill 139 does three things:

1. It gives guardians of adult incapacitated wards the authority to consent on behalf of the ward to cease or withhold lifesaving medical procedures when those procedures would only prolong an agonizing dying process and offer no reasonable expectation of cure or relief from the illness being treated.
2. It allows a guardian of an adult incapacitated ward to make a testamentary (that is, by will) appointment of a subsequent guardian for the ward if the current guardian should die.
3. Additionally, a guardian would be able to name a successor guardian to take over guardianship of the ward should the guardian themselves become incapacitated.

These measures would bring considerable peace of mind to a guardian such as my constituent. They would be allowed to make some of the most important health care decisions relating to their ward’s comfort and best interests, and they could rest easy in the confidence that should they die or become incapacitated, the person to take over care for their ward would share their interest in their ward’s wellbeing.