

# Your Guide to Utah's New Advance Health-Care Directive

What to Think About Before You Fill Out the New Form | Effective January 1, 2026

Starting January 1, 2026, Utah adopted the **Uniform Health-Care Decisions Act** (Utah Code 75A-9-101 et seq.), replacing the previous advance directive framework. The new law introduces a more detailed optional form that gives you significantly more control over your future health-care decisions. This guide walks you through the key questions to consider before you sit down to complete the new form.

**Good news:** If you already have an advance directive, it is still valid. The new law does not invalidate existing directives. However, updating to the new form ensures your wishes are expressed with the additional detail and clarity the new law provides, and it will be the format Utah health-care providers become most familiar with going forward.

## Key Questions to Consider

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### Who Should Be Your Agent?

Your agent is the person who makes health-care decisions for you if you cannot. The new form also lets you name an alternate agent. Think about:

- Who do you trust to follow your wishes, even under pressure?
- Is this person willing and able to serve? (Have the conversation first.)
- Does this person live close enough, or can they be reached quickly?
- Would you want to limit your agent's authority in any way?

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### What Are Your Wishes About Life-Sustaining Treatment?

The new form breaks this into three separate categories, each with specific scenarios. Before filling it out, think through your feelings on:

- **Medical treatment** needed to keep you alive (ventilators, CPR, etc.)
- **Food and liquids** delivered through a tube if you cannot swallow
- **Pain relief** that keeps you comfortable but may shorten your life

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### What Are Your Priorities?

This is entirely new. The form asks you to rank how important certain things are to you. Consider where you stand on:

- Staying alive as long as possible, even with substantial physical or mental limitations
- Being free from significant pain
- Being independent
- Whether your agent should consult family or friends before making decisions

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#### Do You Want to Address Mental Health Care?

Another new addition. The law now allows you to create an advance mental health-care directive. Ask yourself:

- Do you have preferences about mental health medications or treatments?
- Would you want your agent to be able to admit you to a mental health facility voluntarily? If so, for how many days?
- Are there specific mental health treatments you would want or refuse?

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#### Do You Want to Grant Special Powers?

The new form includes optional special powers that your agent does NOT have unless you specifically grant them:

- **Voluntary mental health facility admission** — you choose the maximum number of days
- **Extended nursing home placement** (over 100 days) even if alternatives exist, you object, or you are not terminally ill
- **Access to health information** at any time, not just when you lack capacity
- **Flexibility** for your agent to deviate from your instructions if they believe it is in your best interest

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#### What About Organ Donation?

The new form includes an organ donation section. Think about:

- Do you want to donate organs, tissues, and body parts after death?
- Are there any body parts you do NOT want to donate?
- Should your donation be limited to specific purposes (transplant, therapy, research, education)?

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#### Who Should NOT Make Decisions for You?

The new law allows you to disqualify specific people from acting as a default surrogate. If there is someone in the statutory priority list (spouse, adult children, parents, siblings, etc.) that you do not want making your health-care decisions, you can say so.

## What Changed from the Old Form?

| Feature                   | Old Form (75A-3-303) | New Form (75A-9-110)  |
|---------------------------|----------------------|---|
| Life-sustaining treatment | General preferences  | Separate sections for treatment, food/liquids, and pain relief with specific scenarios                  |
| Priorities section        | Not included         | Ranks importance of longevity, pain relief, independence, and consulting others                         |
| Mental health directive   | Not included         | Dedicated provisions for mental health care preferences   |
| Special powers            | Not included         | Optional powers for mental health admission, nursing home placement, info access, and agent flexibility |
| Organ donation            | Not included         | Built into the form with purpose-specific options   |
| Witness requirements      | Required             | Required, now allows remote witnessing via audio/video  |

## Ready to Update Your Advance Directive?

We are happy to provide all of our existing clients with an updated advance directive using the new form. You are welcome to stop by our office and pick up a copy for the cost of ink and paper, or we can email you a copy — just let us know.

If you would like help completing the form, or if it has been a while since you reviewed your overall estate plan, we would be glad to set up a time to meet.

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