

1 **Parental Access to Children's Medical Records Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael J. Petersen**

Senate Sponsor: Brady Brammer

---

---

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to parent access to a minor's medical record.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ specifies that a parent has the right to access their child's medical record;
- 10 ▶ requires a health care facility to ensure that a child's parent has access to the child's
- 11 electronic health record unless certain circumstances are met;
- 12 ▶ requires an electronic medical record system vendor to ensure a health care facility can
- 13 provide access to parents;
- 14 ▶ authorizes the attorney general's office to bring enforcement actions; and
- 15 ▶ requires a health care facility to provide medical records free of charge under certain
- 16 circumstances.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **26B-1-335**, as last amended by Laws of Utah 2024, Chapter 268

24 ENACTS:

25 **26B-2-244**, Utah Code Annotated 1953

---

---

26  
27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **26B-1-335** is amended to read:

29 **26B-1-335 . Division of Services for People with Disabilities Restricted Account.**

- 30 (1) As used in this section, "account" means the Division of Services for People with  
 31 Disabilities Restricted Account created in Subsection (2).  
 32 (2) There is created a restricted account within the General Fund known as the "Division of  
 33 Services for People with Disabilities Restricted Account."  
 34 (3) The account consists of:  
 35 (a) carry forward funds from the division's budget; [~~and~~]  
 36 (b) unexpended balances lapsed to the account from the division's budget[-] ; and  
 37 (c) finances paid under Section 26B-2-244.  
 38 (4) At the close of a fiscal year, the division may, without an appropriation, deposit into the  
 39 account carry forward funds described in Subsection (3).  
 40 (5) Subject to appropriation, the Department of Health and Human Services may expend  
 41 funds from the account to serve individuals eligible for division services statewide.

42 Section 2. Section **26B-2-244** is enacted to read:

43 **26B-2-244 . Medical record access for children.**

- 44 (1) As used in this section:  
 45 (a) "Child" means an individual under the age of 18 years old.  
 46 (b) "Electronic medical record system" means an electronic system for maintaining  
 47 medical records in a clinical setting.  
 48 (c) "EMRS vendor" means the vendor of an electronic medical record management  
 49 system.  
 50 (d) "Health care system" means an entity that owns two or more health care facilities.  
 51 (e) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996,  
 52 Pub. L. No. 104-191, 110 Stat. 1936, as amended.  
 53 (f) "Parent" means an individual who has a parent-child relationship, as defined in  
 54 Section 81-5-102, with the child.  
 55 (2) A parent has the right to obtain and access the medical records that pertain to the  
 56 parent's child unless:  
 57 (a) the parent's parental rights have been terminated;  
 58 (b) the child is emancipated or legally married;  
 59 (c) required by a court order; or  
 60 (d) the medical record relates to sexual assault counseling in accordance with Section  
 61 77-38-204.

- 62 (3)(a) Subject to Subsection (3)(b), a health care facility may not restrict a parent's  
63 access to the electronic medical record of the parent's child.
- 64 (b) A health care facility may:
- 65 (i) restrict a parent's access to an electronic medical record of the parent's child for a  
66 reason described in Subsection (2); and
- 67 (ii) only restrict access to the portion of the electronic medical record that would be  
68 restricted under Subsection (2).
- 69 (4) An EMRS vendor providing an electronic medical record system for a health care  
70 facility shall ensure the electronic medical record system provided to the health care  
71 facility is capable of being modified by the health care facility to comply with  
72 Subsection (3).
- 73 (5)(a) Subject to Subsection (5)(f), a health care facility in violation of Subsection (3) is  
74 subject to a \$1,000 civil fine for each day the health care facility does not comply  
75 with Subsection (3) after December 31, 2027.
- 76 (b) An EMRS vendor in violation of Subsection (4) is subject to a \$1,000 civil fine for  
77 each day the EMRS vendor's electronic medical record system does not comply with  
78 Subsection (4) after December 31, 2027.
- 79 (c) The attorney general may bring a civil action against a health care facility or EMRS  
80 vendor to enforce this section.
- 81 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a  
82 potential violation.
- 83 (e) A court shall award attorney fees to the attorney general if the attorney general is  
84 successful in an enforcement action described in this section.
- 85 (f) If two or more health care facilities are owned by a health care system and not in  
86 compliance with Subsection (3), the civil fine described in Subsection (5)(a) shall be  
87 assessed against the health care system for each day of noncompliance as if the health  
88 care facilities were a single health care facility.
- 89 (6)(a) A health care facility shall:
- 90 (i) provide a notice to any parent that is unable to access a part of an electronic  
91 medical record if:
- 92 (A) the electronic medical record system is unable to provide the parent access;  
93 and
- 94 (B) the parent is not otherwise precluded from access to the records under HIPAA  
95 or Subsection (2); and

- 96           (ii) upon request, provide the parent medical records.
- 97           (b) A health care facility shall provide records under Subsection (6)(a):
- 98               (i) without charge; and
- 99               (ii) within five business days of the day on which the health care facility receives the
- 100               request.
- 101           (c) A health care facility that fails to provide records in accordance with this Subsection
- 102               (6) is subject to a \$1,000 civil fine per record.
- 103           (d) The notice described in Subsection (6)(a)(i) shall state the following "If your child's
- 104               medical records are not visible, click here to request them. They must be provided
- 105               within five business days or a \$1,000 fine applies per Utah Code Section 26B-2-244."
- 106           (7) A fine collected under this section shall be deposited into the fund described in Section
- 107               26B-1-335.
- 108           (8) Subsections (3) through (7) do not apply to the Utah State Hospital.
- 109           Section 3. **Effective Date.**
- 110           This bill takes effect on May 6, 2026.