



# HB0259 compared with HB0259S05

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **26B-1-335 , as last amended by Laws of Utah 2024, Chapter 268**

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23 ENACTS:

24 **26B-2-244** , Utah Code Annotated 1953

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

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

28 **26B-1-335. Division of Services for People with Disabilities Restricted Account.**

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

41 Section 2. Section 2 is enacted to read:

42 **26B-2-244. Electronic {health} medical record accessfor minors.**

43 **(1) As used in this section:**

22 (1){(a)} {~~As used this section, "minor~~} "Child" means an individual under the age of 18 years old.

23 {~~(2) {Except as provided in Subsection (3), a health care facility shall ensure that any electronic health  
record system used by the health care facility to store electronic health records of a minor allows  
a minor's parent or guardian full and complete unrestricted access to the minor's electronic health  
record without obtaining another person's consent to access the electronic health record.}~~}

28 {(3) }

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- 45 (b) "Electronic medical record system" means an electronic system for maintaining medical records in a clinical setting.
- 47 (c) "EMRS vendor" means the vendor of an electronic medical record management system.
- 49 (d) "Health care system" means an entity that owns two or more health care facilities.
- 50 (e) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- 52 (f) "Parent" means an individual who has a parent-child relationship, as defined in Section 81-5-102, with the child.
- 54 (2)
- (a) Subject to Subsection ~~{(3)(b)}~~ (2)(b), a health care facility may not restrict a parent's ~~{or guardian's}~~ access to ~~{an}~~ the electronic ~~{health}~~ medical record ~~{if}~~ of the ~~{health record is restricted under state law, federal law, or a court order}~~ parent's child.
- 31 (b) A health care facility may ~~{only}~~ restrict access to ~~{the part of}~~ a parent's access to the electronic ~~{health}~~ medical record ~~{that is restricted under state law, federal law, or a court order.}~~ of the parent's child if:
- 58 (i) the parent's parental rights have been terminated;
- 59 (ii) the minor is emancipated or legally married;
- 60 (iii) required by a court order; or
- 61 (iv) the electronic medical record relates to sexual assault counseling in accordance with Section 77-38-204.
- 63 (3) An EMRS vendor providing an electronic medical record system for a health care facility shall ensure the electronic medical record system provided to the health care facility is capable of being modified by the health care facility to comply with Subsection (2).
- 67 (4)
- (a) Subject to Subsection (4)(f), a health care facility in violation of Subsection (2) is subject to a \$10,000 civil fine for each day the health care facility does not comply with Subsection (2) after May 1, 2027.
- 70 (b) An EMRS vendor in violation of Subsection (3) is subject to a \$10,000 civil fine for each day the EMRS vendor's electronic medical record system does not comply with Subsection (3) after May 1, 2027.

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(c) The attorney general may bring a civil action against a health care facility or EMRS vendor to enforce this section.

75 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a potential violation.

77 (e) A court shall award attorney fees to the attorney general if the attorney general is successful in an enforcement action described in this section.

79 (f) If two or more health care facilities are owned by a health care system and not in compliance with Subsection (2), the civil fine described in Subsection (4)(a) shall be assessed against the health care system for each day of noncompliance as if the health care facilities were a single health care facility.

83 (5)

(a) A health care facility shall:

84 (i) provide a notice to any parent that is unable to access a part of an electronic medical record if:

86 (A) the electronic medical record system is unable to provide the parent access; and

88 (B) the parent is not otherwise precluded from access to the records under HIPAA; and

90 (ii) upon request, provide the parent medical records.

91 (b) A health care facility shall provide records under Subsection (5)(a):

92 (i) without charge; and

93 (ii) within five business days of the day on which the health care facility receives the request.

95 (c) A health care facility that fails to provide records in accordance with this Subsection (5) is subject to a \$10,000 civil fine per record.

97 (d) The notice described in Subsection (5)(a)(i) shall state the following "If your child's medical records are not visible, click here to request them. They must be provided within five business days or a \$10,000 fine applies per Utah Code Section 26B-2-244."

101 (6) A fine collected under this section shall be deposited into the fund described in Section 26B-1-335.

103 (7) This section does not apply to the Utah State Hospital.

104 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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