

HB0259S06 compared with HB0259

~~{Omitted text}~~ shows text that was in HB0259 but was omitted in HB0259S06
inserted text shows text that was not in HB0259 but was inserted into HB0259S06

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Parental Access to Children's Medical Records Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Michael J. Petersen
 Senate Sponsor:Brady Brammer



2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to parent { ~~and guardian~~ } 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;**
- 9 ▶ requires a health care facility to ensure that a { ~~minor's~~ } child's parent { ~~or guardian~~ } has access to the { ~~minor's~~ } child's electronic health record unless certain circumstances are met{~~-~~} ;
- 12 ▶ **requires an electronic medical record system vendor to ensure a health care facility can 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 circumstances.**

17 **Money Appropriated in this Bill:**

18 None

HB0259 compared with HB0259S06

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 Disabilities
31 Restricted Account created in Subsection (2).
- 32 (2) There is created a restricted account within the General Fund known as the "Division of Services for
33 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) fines paid under Section 26B-2-244.
- 38 (4) At the close of a fiscal year, the division may, without an appropriation, deposit into the account
39 carry forward funds described in Subsection (3).
- 40 (5) Subject to appropriation, the Department of Health and Human Services may expend funds from the
41 account to serve individuals eligible for division services statewide.

42 Section 2. Section 2 is enacted to read:

43 **26B-2-244.** {~~Electronic health~~} **Medical** record access **for children.**

44 **(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.}~~}

HB0259 compared with HB0259S06

- 28 ~~{(3) }~~
- 46 **(b) "Electronic medical record system" means an electronic system for maintaining medical records in a clinical setting.**
- 48 **(c) "EMRS vendor" means the vendor of an electronic medical record management 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, 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 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 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 77-38-204.**
- 62 **(3)**
- (a) Subject to Subsection (3)(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.
- 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 reason described in Subsection (2); and**
- 31 **(b){(ii) } {A health care facility may } only restrict access to the ~~{part }~~ portion of the electronic ~~{health }~~ medical record that ~~{is }~~ would be restricted under ~~{state law, federal law, or a court order }~~**
- 69 **(4) 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 (3).**
- 73 **(5)**

HB0259 compared with HB0259S06

- 76 (a) Subject to Subsection (5)(f), a health care facility in violation of Subsection (3) is subject to a \$1,000 civil fine for each day the health care facility does not comply 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 each day the EMRS vendor's electronic medical record system does not comply with Subsection (4) after December 31, 2027.
- 79 (c) The attorney general may bring a civil action against a health care facility or EMRS vendor to enforce this section.
- 81 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a potential violation.
- 83 (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.
- 85 (f) If two or more health care facilities are owned by a health care system and not in compliance with Subsection (3), the civil fine described in Subsection (5)(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.
- 89 (6)
- 90 (a) A health care facility shall:
- 90 (i) provide a notice to any parent that is unable to access a part of an electronic medical record if:
- 92 (A) the electronic medical record system is unable to provide the parent access; and
- 94 (B) the parent is not otherwise precluded from access to the records under HIPAA or Subsection (2);
- 96 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 request.
- 101 (c) A health care facility that fails to provide records in accordance with this Subsection (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 medical records are not visible, click here to request them. They must be provided within five business days or a \$1,000 fine applies per Utah Code Section 26B-2-244."

HB0259 compared with HB0259S06

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

108 (8) Subsections (3) through (7) do not apply to the Utah State Hospital.

109 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

3-5-26 9:52 AM