



# HB0259S01 compared with HB0259S04

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **26B-2-244** , Utah Code Annotated 1953

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

25 Section 1. Section 1 is enacted to read:

26 **26B-2-244. Electronic {health} medical record access for minors.**

28 (1) As used in this section:

28 (a) "Child" means an individual under the age of 18 years old.

29 (a){(b)} "Electronic medical record system" means an electronic system for maintaining medical records in a clinical setting.

31 (b){(c)} "EMRS vendor" means the vendor of an electronic medical record management system.

33 (d) "Health care system" means an entity that owns two or more health care facilities.

33 (c){(e)} "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

35 {(d) {"Minor" means an individual under the age of 18 years old.}}

36 (e){(f)} {"Personal representative"} "Parent" means an individual {described} who has a parent-child relationship, as defined in {C.F.R. Sec. 164.502(g)(1)} Section 81-5-102, with the child.

37 {(2)}

{(a) {~~Except as provided in Subsection (2)(b), 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 legal 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.~~}}

42 (b){(2)} A health care facility may not restrict a {~~parent or legal guardian's~~} parent's access to {~~a~~} minor's} the electronic {health} medical record {if} of the parent's child unless:

44 {(i) {~~the parent or legal guardian consent to not having access to the electronic health record;~~}}

46 {(ii) {~~in accordance with C.F.R. Sec.164.502(g)(3)(i), the child consented to the health care under Section 26B-7-214 or Subsection 78B-3-406(6) that generated the electronic health record;~~}}

40 (a) the parent's parental rights have been terminated;

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- 49 (iii){(b)} required by a court order;or
- 50 (iv){(c)} the ~~{health care facility restricts access}~~ electronic medical record relates to sexual assault in  
accordance with ~~{C.F.R. Sec.164.502(g)(5); or}~~ Section 77-38-204.
- 52 ~~{(v) {the minor's parent or legal guardian would not be considered a personal representative under state  
or federal law.}}~~
- 54 ~~{(e) {A health care facility may not condition services on a parent or legal guardian consenting to  
restricted access to a minor's electronic health record.}}~~
- 56 ~~{(d) {Beginning on September 1, 2026, a health care facility may only restrict access to the part of the  
electronic health record that is restricted under Subsection (2)(b).}}~~
- 58 (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 ~~{complies}~~ is  
capable of being modified by the health care facility to comply with Subsection (2).
- 48 (4)
- 61 (4){(a)} ~~{A}~~ Subject to Subsection (4)(f), a health care facility ~~{unable to comply with}~~ in violation  
of Subsection (2) ~~{because the health care facility's EMRS vendor is unable or unwilling to program  
the electronic medical record system in accordance with this section shall notify the attorney  
general}~~ is subject to a \$10,000 civil fine for each day the health care facility does not comply with  
Subsection (2) after September 1, 2026.
- 64 ~~{(5)}~~
- (a){(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 ~~{(2)}~~ (3)  
after September 1, 2026.
- 67 (b){(c)} The attorney general may bring a civil action against ~~{an}~~ a health care facility or EMRS  
vendor to enforce this section.
- 69 (c){(d)} In enforcing this section, the attorney general may issue subpoenas in investigating a potential  
violation.
- 71 (d){(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.
- 60 (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

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care system for each day of noncompliance as if the health care facilities were a single health care facility.

73 (6) ~~(5)~~ ~~{ If a parent or legal guardian is unable to access a part of an electronic medical record that the~~  
~~parent or legal guardian would otherwise be able to access if the records were paper records under~~  
~~HIPAA, the }~~ A health care facility shall, upon request, provide ~~{ the }~~ a parent ~~{ or legal guardian }~~  
paper records without charging a fee for the records~~{.}~~ if:

66 (a) the parent is unable to access a part of an electronic medical record because the electronic medical  
record system is unable to provide the parent access; and

68 (b) the parent is not otherwise precluded from access to the records under HIPAA.

69 (6) This section does not apply to the Utah State Hospital.

70 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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