

HB0259S05 compared with HB0259S01

~~{Omitted text}~~ shows text that was in HB0259S01 but was omitted in HB0259S05

inserted text shows text that was not in HB0259S01 but was inserted into HB0259S05

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

3 LONG TITLE

4 General Description:

5 This bill amends provisions related to parent {~~and legal guardian~~} access to a minor's medical
6 record.

6 Highlighted Provisions:

7 This bill:

- 9 ▶ defines terms;
- 10 ▶ requires a health care facility to ensure that a {~~minor's~~} child's parent {~~or legal guardian~~} has
11 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
13 access to parents {~~and legal guardians~~} ;
- 14 ▶ authorizes the attorney general's office to bring enforcement actions; and
- 15 ▶ requires a health care facility to provide {~~paper~~} medical records free of charge under certain
16 circumstances.

16 Money Appropriated in this Bill:

17 None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

26B-2-244 , Utah Code Annotated 1953

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

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

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

- (1) As used in this section, "account" means the Division of Services for People with Disabilities Restricted Account created in Subsection (2).
- (2) There is created a restricted account within the General Fund known as the "Division of Services for People with Disabilities Restricted Account."
- (3) The account consists of:
 - (a) carry forward funds from the division's budget; ~~[and]~~
 - (b) unexpended balances lapsed to the account from the division's budget~~[-]~~ ; and
 - (c) finest paid under Section 26B-2-244.
- (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).
- (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.

Section 2. Section 2 is enacted to read:

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

(1) As used in this section:

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

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

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

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

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- 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~~} Subject to 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~~} may not restrict a {~~minor's parent or legal guardian full and complete unrestricted~~
~~parent's~~ access to the {~~minor's~~} electronic {~~health record without obtaining another person's~~
~~consent to access~~} medical record of the {~~electronic health record~~} parent's child.
- 42 (b) A health care facility may restrict {~~a parent or legal guardian's~~} access to a {~~minor's~~} parent's
access to the electronic {~~health~~} medical record of the parent's child if:
- 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;~~}}
- 58 (i) the parent's parental rights have been terminated;
- 59 (ii) the minor is emancipated or legally married;
- 49 (iii) required by a court order;or
- 50 (iv) the {~~health care facility restricts access~~} electronic medical record relates to sexual assault
counseling 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 {(c) {~~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).
- 67 (4)

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- 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 May 1, 2027.
- 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~~} May 1, 2027.
- 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.
- 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:
- 73 (6){(i)} {If} provide a notice to any parent {~~or legal guardian~~} that 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 health care facility shall, upon request, provide~~
~~the parent or legal guardian paper records without charging a fee for the records.~~} :
- 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.

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- 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.

2-27-26 8:04 AM