



# HB0259S01 compared with HB0259S06

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 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 {~~minors~~} children.**

28 (1) As used in this section:

45 (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  
30 records in a clinical setting.

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

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- 50 (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 restrict a }~~ parent ~~{or legal guardian's }~~ has the right to obtain and access {to a minor's electronic health record if} the medical records that pertain to 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;}~~}
- 57 (a) the parent's parental rights have been terminated;
- 58 (b) the child is emancipated or legally married;
- 49 (iii){(c)} ~~required by a court order;or~~
- 50 (iv){(d)} ~~the {health care facility restricts access-}~~ 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.}~~}
- 62 (3)
- 54 (c){(a)} ~~{A}~~ Subject to Subsection (3)(b), a health care facility may not {condition services on} restrict a {parent or legal guardian consenting to restricted-} parent's access to {a minor's} the electronic {health record} medical record of the parent's child.
- 64 (b) A health care facility may:
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- (i) restrict a parent's access to an electronic medical record of the parent's child for a reason described in Subsection (2); and
- 56 (d){(ii)} {Beginning on September 1, 2026, a health care facility may} only restrict access to the {part  
} portion of the electronic {health} medical record that {is} would be restricted under Subsection  
{(2)(b)} (2).
- 58 (3){(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 {complies} is  
capable of being modified by the health care facility to comply with Subsection {(2)} (3).
- 73 (5)
- 61 (4){(a)} {A} Subject to Subsection (5)(f), a health care facility {unable to comply with Subsection  
(2) because} in violation of Subsection (3) is subject to a \$1,000 civil fine for each day the health  
care {facility's EMRS vendor is unable or unwilling to program the electronic medical record  
system in accordance} facility does not comply with {this section shall notify the attorney general}  
Subsection (3) after December 31, 2027.
- 64 {(5)}
- (a){(b)} An EMRS vendor in violation of Subsection {(3)} (4) is subject to a {\$10,000} \$1,000  
civil fine for each day the EMRS vendor's electronic medical record system does not comply with  
Subsection {(2)} (4) after {September 1, 2026} December 31, 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.
- 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)
- (a) A health care facility shall:
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(6){(i)} {H} 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.} :

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);  
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."

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