

HB0259S03 compared with HB0259S02

~~{Omitted text}~~ shows text that was in HB0259S02 but was omitted in HB0259S03
inserted text shows text that was not in HB0259S02 but was inserted into HB0259S03

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



2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to parent { ~~and legal guardian~~ } access to a minor's medical 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 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 { ~~and legal guardians~~ } ;
- 14 ▶ authorizes the attorney general's office to bring enforcement actions; and
- 15 ▶ requires a health care facility to provide paper records free of charge under certain circumstances.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

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19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

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

23

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 (c){(d)} "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) ~~{"Personal representative"}~~ "Parent" means an individual {described} who has a parent-child relationship, as defined in {45 C.F.R. Sec. 164.502(g)(1)} Section 81-5-102, with the child.

38 ~~{(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.}}~~

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

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

47 (ii) ~~{in accordance with 45 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;}~~

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

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- 50 (iii){(b)} required by a court order;or
- 51 (iv){(c)} the ~~{health care facility restricts access-}~~ electronic medical record relates to sexual assault in
accordance with ~~{45 C.F.R. Sec}~~ Section 77-38-204. ~~{164.502(g)(5); or}~~
- 53 ~~{(v) {the minor's parent or legal guardian would not be considered a personal representative under state~~
~~or federal law.}-}~~
- 55 ~~{(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.}-}~~
- 57 ~~{(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).}-}~~
- 59 (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).
- 47 (4)
- 62 (4){(a)} A health care facility {unable to comply with-} in violation of Subsection (2) ~~{because-}~~ is
subject to a \$10,000 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 (2) after September 1, 2026.
- 65 ~~{(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.
- 68 (b){(c)} The attorney general may bring a civil action against {an-} a health care facility or EMRS
vendor to enforce this section.
- 70 (c){(d)} In enforcing this section, the attorney general may issue subpoenas in investigating a potential
violation.
- 72 (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.
- 74 (6){(5)} A health care facility shall, upon request, provide a parent {or legal guardian-} paper records
without charging a fee for the records if:
- 76 (a) the parent {or legal guardian-} is unable to access a part of an electronic medical record because the
electronic medical record system is unable to provide the parent {or legal guardian-} access; and

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79 (b) the parent {~~or legal guardian~~ is otherwise authorized to access the records under HIPAA.

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

65 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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