

HB0259S06 compared with HB0259S02

~~{Omitted text}~~ shows text that was in HB0259S02 but was omitted in HB0259S06
inserted text shows text that was not in HB0259S02 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.

Parental Access to Children's Medical Records Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- specifies that a parent has the right to access their child's medical record;
- 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;
- requires an electronic medical record system vendor to ensure a health care facility can provide access to parents ~~{and legal guardians}~~ ;
- authorizes the attorney general's office to bring enforcement actions; and
- requires a health care facility to provide ~~{paper}~~ medical records free of charge under certain circumstances.

Money Appropriated in this Bill:

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None

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) finances 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~~} children.

- (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.

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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 {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 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:
- 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;~~}}
- 57 (a) the parent's parental rights have been terminated;
- 58 (b) the child is emancipated or legally married;
- 50 (iii){(c)} ~~required by a court order;~~or
- 51 (iv){(d)} the {~~health care facility restricts access~~} medical record relates to sexual assault counseling 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.~~}}
- 62 (3)
- 55 (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:
- 65

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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

57 (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).

59 (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)

62 (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.

65 {(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.

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.

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)

74 (6){(a)} A health care facility shall{, upon request, provide a parent or legal guardian paper records
without charging a fee for the records if} :

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90 (i) provide a notice to any parent that is unable to access a part of an electronic medical record if:

76 (a){(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

79 (b){(B)} the parent {or legal guardian} is not otherwise {authorized} precluded from access to {access
 } 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