

HB0259S05 compared with HB0259S03

~~{Omitted text}~~ shows text that was in HB0259S03 but was omitted in HB0259S05
inserted text shows text that was not in HB0259S03 but was inserted into HB0259S05

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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:Brady Brammer



2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to parent access to a minor's medical record.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ defines terms;
- 9 ▸ requires a health care facility to ensure that a child's parent has access to the child's electronic health record unless certain circumstances are met;
- 11 ▸ requires an electronic medical record system vendor to ensure a health care facility can provide access to parents;
- 13 ▸ authorizes the attorney general's office to bring enforcement actions; and
- 14 ▸ requires a health care facility to provide ~~{paper}~~ medical 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 AMENDS:

22 **26B-1-335 , as last amended by Laws of Utah 2024, Chapter 268**

23 ENACTS:

24 **26B-2-244** , Utah Code Annotated 1953

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

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

28 **26B-1-335. Division of Services for People with Disabilities Restricted Account.**

- 29 (1) As used in this section, "account" means the Division of Services for People with Disabilities
Restricted Account created in Subsection (2).
- 31 (2) There is created a restricted account within the General Fund known as the "Division of Services for
People with Disabilities Restricted Account."
- 33 (3) The account consists of:
- 34 (a) carry forward funds from the division's budget; [~~and~~]
- 35 (b) unexpended balances lapsed to the account from the division's budget[-] ; and
- 36 (c) finances paid under Section 26B-2-244.
- 37 (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).
- 39 (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.

41 Section 2. Section 2 is enacted to read:

42 **26B-2-244. Electronic medical record access for minors.**

27 (1) As used in this section:

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

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

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

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

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- (d){(e)} "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- 35 (e){(f)} "Parent" means an individual who has a parent-child relationship, as defined in Section 81-5-102, with the child.
- 54 (2)
- 37 (2){(a)} ~~{A}~~ Subject to Subsection (2)(b), a health care facility may not restrict a parent's access to the electronic medical record {system housing the electronic medical record} of the parent's child {unless:}.
- 56 (b) A health care facility may restrict access to a parent's access to the electronic medical record of the parent's child if:
- 39 (a){(i)} the parent's parental rights have been terminated;
- 59 (ii) the minor is emancipated or legally married;
- 40 (b){(iii)} required by a court order; or
- 41 (c){(iv)} the electronic medical record relates to sexual assault counseling in accordance with Section 77-38-204.
- 43 (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 is capable of being modified by the health care facility to comply with Subsection (2).
- 47 (4)
- (a) ~~{A}~~ Subject to Subsection (4)(f), a health care facility in violation of Subsection (2) is subject to a \$10,000 civil fine for each day the health care facility does not comply with Subsection (2) after {September} May 1, {2026} 2027.
- 50 (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 (3) after {September} May 1, {2026} 2027.
- 53 (c) The attorney general may bring a civil action against a health care facility or EMRS vendor to enforce this section.
- 55 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a potential violation.
- 57 (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.

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- 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)
- 59 (5){(a)} A health care facility shall{ ~~, upon request, provide a parent paper records without charging a~~
fee for the records if} :
- 84 (i) provide a notice to any parent that is unable to access a part of an electronic medical record if:
- 61 (a){(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
- 63 (b){(B)} the parent is {~~otherwise authorized~~ } not otherwise precluded from access to {~~access~~ } 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.
- 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.
- 64 (6){(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.

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