

HB0259S05 compared with HB0259S06

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.**

- 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.

42 Section 2. Section **2** is enacted to read:

43 **26B-2-244. {~~Electronic medical~~} Medical record access for {~~minors~~} children.**

43 (1) As used in this section:

- 44 (a) "Child" means an individual under the age of 18 years old.
- 45 (b) "Electronic medical record system" means an electronic system for maintaining medical records in a clinical setting.
- 47 (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.

HB0259S05 compared with HB0259S06

- 50 (e) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
104-191, 110 Stat. 1936, as amended.
- 52 (f) "Parent" means an individual who has a parent-child relationship, as defined in Section 81-5-102,
with the child.
- 54 ~~{(2)}~~ }
- ~~{(a) {Subject to Subsection (2)(b), a health care facility may not restrict a parent's access to the
electronic medical record of the parent's child.}}~~ }
- 56 (b){(2)} A ~~{health care facility may restrict access}~~ parent has the right to {a parent's} obtain and
access {to} the ~~{electronic medical record of}~~ medical records that pertain to the parent's child ~~{if}~~
unless:
- 58 (i){(a)} the parent's parental rights have been terminated;
- 59 (ii){(b)} the ~~{minor}~~ child is emancipated or legally married;
- 60 (iii){(c)} required by a court order; or
- 61 (iv){(d)} the ~~{electronic}~~ medical record relates to sexual assault counseling in accordance with
Section 77-38-204.
- 62 (3)
- (a) Subject to Subsection (3)(b), a health care facility may not restrict a parent's access to the electronic
medical record of the parent's child.
- 64 (b) A health care facility may:
- 65 (i) restrict a parent's access to an electronic medical record of the parent's child for a reason described in
Subsection (2); and
- 67 (ii) only restrict access to the portion of the electronic medical record that would be restricted under
Subsection (2).
- 63 (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 is capable of being
modified by the health care facility to comply with Subsection ~~{(2)}~~ (3).
- 67 (4){(5)}
- (a) Subject to Subsection ~~{(4)(f)}~~ (5)(f), a health care facility in violation of Subsection ~~{(2)}~~ (3) is
subject to a ~~{[\$10,000]}~~ \$1,000 civil fine for each day the health care facility does not comply with
Subsection ~~{(2)}~~ (3) after ~~{[May 1]}~~ December 31, 2027.

70

HB0259S05 compared with HB0259S06

- (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 ~~{(3) after [May 1]}~~ (4) after December 31, 2027.
- 73 (c) The attorney general may bring a civil action against a health care facility or EMRS vendor to enforce this section.
- 75 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a potential violation.
- 77 (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)}~~ (3), the civil fine described in Subsection ~~{(4)(a)}~~ (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.
- 83 (5)~~{(6)}~~
- (a) A health care facility shall:
- 84 (i) provide a notice to any parent that is unable to access a part of an electronic medical record if:
- 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 or Subsection (2); and
- 90 (ii) upon request, provide the parent medical records.
- 91 (b) A health care facility shall provide records under Subsection ~~{(5)(a)}~~ (6)(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)}~~ (6) is subject to a ~~{\$10,000}~~ \$1,000 civil fine per record.
- 97 (d) The notice described in Subsection ~~{(5)(a)(i)}~~ (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}~~ five business days or a ~~{\$10,000}~~ \$1,000 fine applies per Utah Code Section 26B-2-244."
- 101 (6)~~{(7)}~~ A fine collected under this section shall be deposited into the fund described in Section 26B-1-335.
- 103 (7)~~{(8)}~~ {~~This section does~~ Subsections (3) through (7) do not apply to the Utah State Hospital.
- 109 Section 3. **Effective date.**

HB0259S05 compared with HB0259S06

Effective Date.

This bill takes effect on May 6, 2026.

3-5-26 9:52 AM