

HB0259S02 compared with HB0259

{Omitted text} shows text that was in HB0259 but was omitted in HB0259S02

inserted text shows text that was not in HB0259 but was inserted into HB0259S02

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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.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 9 ▶ requires a health care facility to ensure that a minor's parent or legal guardian has access to the minor'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.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

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20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **26B-2-244**, Utah Code Annotated 1953

24

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

26 Section 1. Section 1 is enacted to read:

27 **26B-2-244. Electronic health record access**for minors.

28 (1) As used in this section:

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

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

33 (c) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

22 (1){(d)} {~~As used this section, "minor"~~} "Minor" means an individual under the age of 18 years old.

36 (e) "Personal representative" means an individual described in 45 C.F.R. Sec. 164.502(g)(1).

38 (2)

23 (2){(a)} Except as provided in Subsection ~~{(3)}~~ (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.

28 ~~{(3)}~~ }

(a){(b)} ~~{Subject to Subsection (3)(b), a}~~ A health care facility may restrict a ~~{parent's or}~~ parent or legal guardian's access to ~~{an-}~~ a minor's electronic health record if ~~{the health record is restricted under state law, federal law, or a court order.}~~ :

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;

50 (iii) required by a court order;

51 (iv) the health care facility restricts access in accordance with 45 C.F.R. Sec. 164.502(g)(5); or

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- 53 (v) the minor's parent or legal guardian would not be considered a personal representative under state or
federal law.
- 55 (c) 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.
- 31 (b){(d)} {A} 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 {state law, federal law, or a court order}
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 with
Subsection (2).
- 62 (4) A health care facility unable to comply with Subsection (2) because the health care facility's EMRS
vendor is unable or unwilling to program the electronic medical record system in accordance with
this section shall notify the attorney general.
- 65 (5)
- (a) 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) after
September 1, 2026.
- 68 (b) The attorney general may bring a civil action against an EMRS vendor to enforce this section.
- 70 (c) In enforcing this section, the attorney general may issue subpoenas in investigating a potential
violation.
- 72 (d) 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) 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
- 79 (b) the parent or legal guardian is otherwise authorized to access the records under HIPAA.

81 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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