

HB0259S01 compared with HB0259S02

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.

35 (d) "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).

37 (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.

42 (b) A health care facility may restrict a parent or legal guardian's access to a minor's electronic health record if:

44 (i) the parent or legal guardian consent to not having access to the electronic health record;

46 (ii) in accordance with {~~C.F.R.~~ 45 C.F.R. Sec. {~~Sec.164.502(g)(3)(i)~~ 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;

49 (iii) required by a court order;

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

52

HB0259S01 compared with HB0259S02

(v) the minor's parent or legal guardian would not be considered a personal representative under state or federal law.

54 (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.

56 (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).

58 (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).

61 (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.

64 (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.

67 (b) The attorney general may bring a civil action against an EMRS vendor to enforce this section.

69 (c) In enforcing this section, the attorney general may issue subpoenas in investigating a potential violation.

71 (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.

73 (6) ~~{If a parent or legal guardian is unable to access a part of an electronic medical record that the parent or legal guardian would otherwise be able to access if the records were paper records under HIPAA, the }~~ A health care facility shall, upon request, provide ~~{the }~~ 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.

HB0259S01 compared with HB0259S02

2-9-26 11:22 AM