

HB0259S03 compared with HB0259S01

~~{Omitted text}~~ shows text that was in HB0259S01 but was omitted in HB0259S03
inserted text shows text that was not in HB0259S01 but was inserted into HB0259S03

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.

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.

6 **Highlighted Provisions:**

7 This bill:

- 9 ▶ defines terms;
- 10 ▶ 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;
- 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.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

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19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **26B-2-244** , Utah Code Annotated 1953

23

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

25 Section 1. Section 1 is enacted to read:

26 **26B-2-244. Electronic {health} medical record access for minors.**

28 (1) As used in this section:

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

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

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

33 (c){(d)} "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" }~~ "Parent" means an individual {described} who has a parent-child relationship, as defined in {C.F.R. Sec. 164.502(g)(1)} Section 81-5-102, with the child.

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){(2)} A health care facility may not restrict a {parent or legal guardian's} parent's access to {a minor's} the electronic medical record system housing the electronic {health} medical record {if} of the parent's child unless:

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. 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;}~~

39 (a) the parent's parental rights have been terminated;

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- 49 (iii){(b)} required by a court order;or
- 50 (iv){(c)} the ~~{health care facility restricts access-}~~ electronic medical record relates to sexual assault in
accordance with ~~{C.F.R. Sec.164.502(g)(5);-or}~~ Section 77-38-204.
- 52 ~~{(v) {the minor's parent or legal guardian would not be considered a personal representative under state~~
~~or federal law.-}}~~
- 54 ~~{(e) {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-} is
capable of being modified by the health care facility to comply with Subsection (2).
- 47 (4)
- 61 (4){(a)} A health care facility {unable to comply with-} in violation of Subsection (2) ~~{because-}~~ is
subject to a \$10,000 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 (2) after September 1, 2026.
- 64 ~~{(5) }~~
- (a){(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 {~~(2)-}~~ (3)
after September 1, 2026.
- 67 (b){(c)} The attorney general may bring a civil action against {an-} a health care facility or EMRS
vendor to enforce this section.
- 69 (c){(d)} In enforcing this section, the attorney general may issue subpoenas in investigating a potential
violation.
- 71 (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.
- 73 (6){(5)} ~~{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:

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61 (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) the parent is otherwise authorized to access the records under HIPAA.

64 (6) This section does not apply to the Utah State Hospital.

65 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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