

HB0259S02 compared with HB0259S04

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

33 (c){(e)} "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){(f)} {"Personal representative"} "Parent" means an individual {described} who has a parent-child relationship, as defined in {45 C.F.R. Sec. 164.502(g)(1)} Section 81-5-102, with the child.

38 {(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.}}

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

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;}}

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

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- 50 (iii){(b)} required by a court order;or
- 51 (iv){(c)} the ~~{health care facility restricts access}~~ electronic medical record relates to sexual assault in
accordance with ~~{45 C.F.R. Sec}~~ Section 77-38-204. ~~{164.502(g)(5); or}~~
- 53 ~~{(v) {the minor's parent or legal guardian would not be considered a personal representative under state
or federal law.}}~~
- 55 ~~{(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.}}~~
- 57 ~~{(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).}}~~
- 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}~~ is
capable of being modified by the health care facility to comply with Subsection (2).
- 48 (4)
- 62 (4){(a)} ~~{A}~~ Subject to Subsection (4)(f), a health care facility ~~{unable to comply with}~~ in violation
of 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}~~ is subject to a \$10,000 civil fine for each day the health care facility does not comply with
Subsection (2) after September 1, 2026.
- 65 ~~{(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.
- 68 (b){(c)} The attorney general may bring a civil action against ~~{an}~~ a health care facility or EMRS
vendor to enforce this section.
- 70 (c){(d)} In enforcing this section, the attorney general may issue subpoenas in investigating a potential
violation.
- 72 (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.
- 60 (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

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care system for each day of noncompliance as if the health care facilities were a single health care facility.

- 74 (6){(5)} 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~~} not otherwise precluded from
access to the records under HIPAA.
- 69 (6) This section does not apply to the Utah State Hospital.

70 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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