

Michael J. Petersen proposes the following substitute bill:

1 **Parental Access to Children's Medical Records Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor:

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2 **LONG TITLE**

3 **General Description:**

4 This bill amends provisions related to parent and legal guardian access to a minor's medical  
5 record.

6 **Highlighted Provisions:**

7 This bill:

8     ▶ defines terms;

9     ▶ requires a health care facility to ensure that a minor's parent or legal guardian has access  
10 to the minor's electronic health record unless certain circumstances are met;

11     ▶ requires an electronic medical record system vendor to ensure a health care facility can  
12 provide access to parents and legal guardians;

13     ▶ authorizes the attorney general's office to bring enforcement actions; and

14     ▶ requires a health care facility to provide paper records free of charge under certain  
15 circumstances.

16 **Money Appropriated in this Bill:**

17     None

18 **Other Special Clauses:**

19     None

20 **Utah Code Sections Affected:**

21 **ENACTS:**

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

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

24     Section 1. Section **26B-2-244** is enacted to read:

25     **26B-2-244 . Electronic health record access for minors.**

26     (1) As used this section:

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

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

33 (c) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996,  
34 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 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  
38 electronic health record system used by the health care facility to store electronic  
39 health records of a minor allows a minor's parent or legal guardian full and complete  
40 unrestricted access to the minor's electronic health record without obtaining another  
41 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  
43 electronic health record if:

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

46 (ii) in accordance with C.F.R. Sec.164.502(g)(3)(i), the child consented to the health  
47 care under Section 26B-7-214 or Subsection 78B-3-406(6) that generated the  
48 electronic health record;

49 (iii) required by a court order;

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

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

54 (c) A health care facility may not condition services on a parent or legal guardian  
55 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  
57 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  
59 facility shall ensure the electronic medical record system provided to the health care  
60 facility complies with Subsection (2).

61 (4) A health care facility unable to comply with Subsection (2) because the health care  
62 facility's EMRS vendor is unable or unwilling to program the electronic medical record

63       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  
65       for each day the EMRS vendor's electronic medical record system does not comply  
66       with Subsection (2) after September 1, 2026.

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

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

71       (d) A court shall award attorney fees to the attorney general if the attorney general is  
72       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  
74       that the parent or legal guardian would otherwise be able to access if the records were  
75       paper records under HIPAA, the health care facility shall, upon request, provide the  
76       parent or legal guardian paper records without charging a fee for the records.

77       **Section 2. Effective Date.**

78       This bill takes effect on May 6, 2026.