

Michael J. Petersen proposes the following substitute bill:

**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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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- 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;
- requires an electronic medical record system vendor to ensure a health care facility can provide access to parents and legal guardians;
- authorizes the attorney general's office to bring enforcement actions; and
- requires a health care facility to provide paper records free of charge under certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

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

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

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

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

(1) As used this section:

- (a) "Electronic medical record system" means an electronic system for maintaining medical records in a clinical setting.
- (b) "EMRS vendor" means the vendor of an electronic medical record management system.
- (c) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- (d) "Minor" means an individual under the age of 18 years old.
- (e) "Personal representative" means an individual described in C.F.R. Sec. 164.502(g)(1).
- (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.
- (b) A health care facility may restrict a parent or legal guardian's access to a minor's electronic health record if:
- (i) the parent or legal guardian consent to not having access to the electronic health record;
- (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;
- (iii) required by a court order;
- (iv) the health care facility restricts access in accordance with C.F.R. Sec.164.502(g)(5); or
- (v) the minor's parent or legal guardian would not be considered a personal representative under state or federal law.
- (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.
- (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).
- (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).
- (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

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.