

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:

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

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 in 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 45 C.F.R. Sec.
37 164.502(g)(1).
- 38 (2)(a) Except as provided in Subsection (2)(b), a health care facility shall ensure that any
39 electronic health record system used by the health care facility to store electronic
40 health records of a minor allows a minor's parent or legal guardian full and complete
41 unrestricted access to the minor's electronic health record without obtaining another
42 person's consent to access the electronic health record.
- 43 (b) A health care facility may restrict a parent or legal guardian's access to a minor's
44 electronic health record if:
- 45 (i) the parent or legal guardian consent to not having access to the electronic health
46 record;
- 47 (ii) in accordance with 45 C.F.R. Sec. 164.502(g)(3)(i), the child consented to the
48 health care under Section 26B-7-214 or Subsection 78B-3-406(6) that generated
49 the electronic health record;
- 50 (iii) required by a court order;
- 51 (iv) the health care facility restricts access in accordance with 45 C.F.R. Sec.
52 164.502(g)(5); or
- 53 (v) the minor's parent or legal guardian would not be considered a personal
54 representative under state or federal law.
- 55 (c) A health care facility may not condition services on a parent or legal guardian
56 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
58 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
60 facility shall ensure the electronic medical record system provided to the health care
61 facility complies with Subsection (2).
- 62 (4) A health care facility unable to comply with Subsection (2) because the health care

63 facility's EMRS vendor is unable or unwilling to program the electronic medical record
64 system in accordance with this section shall notify the attorney general.

65 (5)(a) An EMRS vendor in violation of Subsection (3) is subject to a \$10,000 civil fine
66 for each day the EMRS vendor's electronic medical record system does not comply
67 with Subsection (2) after September 1, 2026.

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

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

72 (d) A court shall award attorney fees to the attorney general if the attorney general is
73 successful in an enforcement action described in this section.

74 (6) A health care facility shall, upon request, provide a parent or legal guardian paper
75 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
77 because the electronic medical record system is unable to provide the parent or legal
78 guardian access; and

79 (b) the parent or legal guardian is otherwise authorized to access the records under
80 HIPAA.

81 **Section 2. Effective Date.**

82 This bill takes effect on May 6, 2026.