

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: Brady Brammer

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- requires a health care facility to ensure that a child's parent has access to the child'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;
- 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 medical record access for minors.

(1) As used in this section:

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

- 29 (b) "Electronic medical record system" means an electronic system for maintaining
30 medical records in a clinical setting.
- 31 (c) "EMRS vendor" means the vendor of an electronic medical record management
32 system.
- 33 (d) "Health care system" means an entity that owns two or more health care facilities.
- 34 (e) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996,
35 Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- 36 (f) "Parent" means an individual who has a parent-child relationship, as defined in
37 Section 81-5-102, with the child.
- 38 (2) A health care facility may not restrict a parent's access to the electronic medical record
39 of the parent's child unless:
- 40 (a) the parent's parental rights have been terminated;
41 (b) required by a court order; or
42 (c) the electronic medical record relates to sexual assault in accordance with Section
43 77-38-204.
- 44 (3) An EMRS vendor providing an electronic medical record system for a health care
45 facility shall ensure the electronic medical record system provided to the health care
46 facility is capable of being modified by the health care facility to comply with
47 Subsection (2).
- 48 (4)(a) Subject to Subsection (4)(f), a health care facility in violation of Subsection (2) is
49 subject to a \$10,000 civil fine for each day the health care facility does not comply
50 with Subsection (2) after September 1, 2026.
- 51 (b) An EMRS vendor in violation of Subsection (3) is subject to a \$10,000 civil fine for
52 each day the EMRS vendor's electronic medical record system does not comply with
53 Subsection (3) after September 1, 2026.
- 54 (c) The attorney general may bring a civil action against a health care facility or EMRS
55 vendor to enforce this section.
- 56 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a
57 potential violation.
- 58 (e) A court shall award attorney fees to the attorney general if the attorney general is
59 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
61 compliance with Subsection (2), the civil fine described in Subsection (4)(a) shall be
62 assessed against the health care system for each day of noncompliance as if the health

63 care facilities were a single health care facility.

64 (5) A health care facility shall, upon request, provide a parent paper records without
65 charging a fee for the records if:

66 (a) the parent is unable to access a part of an electronic medical record because the
67 electronic medical record system is unable to provide the parent access; and

68 (b) the parent is 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.**

71 This bill takes effect on May 6, 2026.