

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 medical records free of charge under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-1-335, as last amended by Laws of Utah 2024, Chapter 268

ENACTS:

26B-2-244, Utah Code Annotated 1953

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

Section 1. Section **26B-1-335** is amended to read:

26B-1-335 . Division of Services for People with Disabilities Restricted Account.

- 29 (1) As used in this section, "account" means the Division of Services for People with
 30 Disabilities Restricted Account created in Subsection (2).
- 31 (2) There is created a restricted account within the General Fund known as the "Division of
 32 Services for People with Disabilities Restricted Account."
- 33 (3) The account consists of:
- 34 (a) carry forward funds from the division's budget; [~~and~~]
 35 (b) unexpended balances lapsed to the account from the division's budget[.]; and
 36 (c) finances paid under Section 26B-2-244.
- 37 (4) At the close of a fiscal year, the division may, without an appropriation, deposit into the
 38 account carry forward funds described in Subsection (3).
- 39 (5) Subject to appropriation, the Department of Health and Human Services may expend
 40 funds from the account to serve individuals eligible for division services statewide.

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

42 **26B-2-244 . Electronic medical record access for minors.**

43 (1) As used in this section:

- 44 (a) "Child" means an individual under the age of 18 years old.
- 45 (b) "Electronic medical record system" means an electronic system for maintaining
 46 medical records in a clinical setting.
- 47 (c) "EMRS vendor" means the vendor of an electronic medical record management
 48 system.
- 49 (d) "Health care system" means an entity that owns two or more health care facilities.
- 50 (e) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996,
 51 Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- 52 (f) "Parent" means an individual who has a parent-child relationship, as defined in
 53 Section 81-5-102, with the child.

- 54 (2)(a) Subject to Subsection (2)(b), a health care facility may not restrict a parent's
 55 access to the electronic medical record of the parent's child.
- 56 (b) A health care facility may restrict access to a parent's access to the electronic medical
 57 record of the parent's child if:
- 58 (i) the parent's parental rights have been terminated;
- 59 (ii) the minor is emancipated or legally married;
- 60 (iii) required by a court order; or
- 61 (iv) the electronic medical record relates to sexual assault counseling in accordance
 62 with Section 77-38-204.

- 63 (3) An EMRS vendor providing an electronic medical record system for a health care
64 facility shall ensure the electronic medical record system provided to the health care
65 facility is capable of being modified by the health care facility to comply with
66 Subsection (2).
- 67 (4)(a) Subject to Subsection (4)(f), a health care facility in violation of Subsection (2) is
68 subject to a \$10,000 civil fine for each day the health care facility does not comply
69 with Subsection (2) after May 1, 2027.
- 70 (b) An EMRS vendor in violation of Subsection (3) is subject to a \$10,000 civil fine for
71 each day the EMRS vendor's electronic medical record system does not comply with
72 Subsection (3) after May 1, 2027.
- 73 (c) The attorney general may bring a civil action against a health care facility or EMRS
74 vendor to enforce this section.
- 75 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a
76 potential violation.
- 77 (e) A court shall award attorney fees to the attorney general if the attorney general is
78 successful in an enforcement action described in this section.
- 79 (f) If two or more health care facilities are owned by a health care system and not in
80 compliance with Subsection (2), the civil fine described in Subsection (4)(a) shall be
81 assessed against the health care system for each day of noncompliance as if the health
82 care facilities were a single health care facility.
- 83 (5)(a) A health care facility shall:
- 84 (i) provide a notice to any parent that is unable to access a part of an electronic
85 medical record if:
- 86 (A) the electronic medical record system is unable to provide the parent access;
87 and
- 88 (B) the parent is not otherwise precluded from access to the records under
89 HIPAA; and
- 90 (ii) upon request, provide the parent medical records.
- 91 (b) A health care facility shall provide records under Subsection (5)(a):
- 92 (i) without charge; and
- 93 (ii) within five business days of the day on which the health care facility receives the
94 request.
- 95 (c) A health care facility that fails to provide records in accordance with this Subsection
96 (5) is subject to a \$10,000 civil fine per record.

97 (d) The notice described in Subsection (5)(a)(i) shall state the following "If your child's
98 medical records are not visible, click here to request them. They must be provided
99 within five business days or a \$10,000 fine applies per Utah Code Section 26B-2-244
100 ."

101 (6) A fine collected under this section shall be deposited into the fund described in Section
102 26B-1-335.

103 (7) This section does not apply to the Utah State Hospital.

104 Section 3. **Effective Date.**

105 This bill takes effect on May 6, 2026.