

Brady Brammer 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;
- specifies that a parent has the right to access their child's medical record;
- 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:

29 **26B-1-335 . Division of Services for People with Disabilities Restricted Account.**

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

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

43 **26B-2-244 . Medical record access for children.**

- 44 (1) As used in this section:
45 (a) "Child" means an individual under the age of 18 years old.
46 (b) "Electronic medical record system" means an electronic system for maintaining
47 medical records in a clinical setting.
48 (c) "EMRS vendor" means the vendor of an electronic medical record management
49 system.
50 (d) "Health care system" means an entity that owns two or more health care facilities.
51 (e) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996,
52 Pub. L. No. 104-191, 110 Stat. 1936, as amended.
53 (f) "Parent" means an individual who has a parent-child relationship, as defined in
54 Section 81-5-102, with the child.
55 (2) A parent has the right to obtain and access the medical records that pertain to the
56 parent's child unless:
57 (a) the parent's parental rights have been terminated;
58 (b) the child is emancipated or legally married;
59 (c) required by a court order; or
60 (d) the medical record relates to sexual assault counseling in accordance with Section
61 77-38-204.
62 (3)(a) Subject to Subsection (3)(b), a health care facility may not restrict a parent's

- 63 access to the electronic medical record of the parent's child.
- 64 (b) A health care facility may:
- 65 (i) restrict a parent's access to an electronic medical record of the parent's child for a
- 66 reason described in Subsection (2); and
- 67 (ii) only restrict access to the portion of the electronic medical record that would be
- 68 restricted under Subsection (2).
- 69 (4) An EMRS vendor providing an electronic medical record system for a health care
- 70 facility shall ensure the electronic medical record system provided to the health care
- 71 facility is capable of being modified by the health care facility to comply with
- 72 Subsection (3).
- 73 (5)(a) Subject to Subsection (5)(f), a health care facility in violation of Subsection (3) is
- 74 subject to a \$1,000 civil fine for each day the health care facility does not comply
- 75 with Subsection (3) after December 31, 2027.
- 76 (b) An EMRS vendor in violation of Subsection (4) is subject to a \$1,000 civil fine for
- 77 each day the EMRS vendor's electronic medical record system does not comply with
- 78 Subsection (4) after December 31, 2027.
- 79 (c) The attorney general may bring a civil action against a health care facility or EMRS
- 80 vendor to enforce this section.
- 81 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a
- 82 potential violation.
- 83 (e) A court shall award attorney fees to the attorney general if the attorney general is
- 84 successful in an enforcement action described in this section.
- 85 (f) If two or more health care facilities are owned by a health care system and not in
- 86 compliance with Subsection (3), the civil fine described in Subsection (5)(a) shall be
- 87 assessed against the health care system for each day of noncompliance as if the health
- 88 care facilities were a single health care facility.
- 89 (6)(a) A health care facility shall:
- 90 (i) provide a notice to any parent that is unable to access a part of an electronic
- 91 medical record if:
- 92 (A) the electronic medical record system is unable to provide the parent access;
- 93 and
- 94 (B) the parent is not otherwise precluded from access to the records under HIPAA
- 95 or Subsection (2); and
- 96 (ii) upon request, provide the parent medical records.

- 97 **(b)** A health care facility shall provide records under Subsection (6)(a):
98 (i) without charge; and
99 (ii) within five business days of the day on which the health care facility receives the
100 request.
- 101 **(c)** A health care facility that fails to provide records in accordance with this Subsection
102 (6) is subject to a \$1,000 civil fine per record.
- 103 **(d)** The notice described in Subsection (6)(a)(i) shall state the following "If your child's
104 medical records are not visible, click here to request them. They must be provided
105 within five business days or a \$1,000 fine applies per Utah Code Section 26B-2-244."
- 106 **(7)** A fine collected under this section shall be deposited into the fund described in Section
107 26B-1-335.
- 108 **(8)** Subsections (3) through (7) do not apply to the Utah State Hospital.
- 109 Section 3. **Effective Date.**
110 This bill takes effect on May 6, 2026.