

1 **Medical Record Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor:

LONG TITLE**General Description:**

This bill addresses medical records.

Highlighted Provisions:

This bill:

- ▶ distinguishes between an elective abortion and an involuntary abortion;
- ▶ allows a patient to request that the patient's medical record reflect that a prior abortion was involuntary;
- ▶ requires a health care facility to update a patient's medical record regarding an involuntary abortion if requested; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

26B-2-201 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapters 113, 240

58-13-2.6 (Effective 05/06/26) (Repealed 07/01/26), as last amended by Laws of Utah 2023, Chapter 328

ENACTS:

26B-2-244 (Effective 05/06/26), Utah Code Annotated 1953

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

28 Section 1. Section **26B-2-201** is amended to read:

29 **26B-2-201 (Effective 05/06/26). Definitions.**

30 As used in this part:

31 (1) "Abortion clinic" means a type I abortion clinic or a type II abortion clinic.

32 (2) "Activities of daily living" means essential activities including:

33 (a) dressing;

34 (b) eating;

35 (c) grooming;

36 (d) bathing;

37 (e) toileting;

38 (f) ambulation;

39 (g) transferring; and

40 (h) self-administration of medication.

41 (3) "Ambulatory surgical facility" means a freestanding facility, which provides surgical

42 services to patients not requiring hospitalization.

43 (4) "Assistance with activities of daily living" means providing of or arranging for the

44 provision of assistance with activities of daily living.

45 (5)(a) "Assisted living facility" means:

46 (i) a type I assisted living facility, which is a residential facility that provides

47 assistance with activities of daily living and social care to two or more residents

48 who:

49 (A) require protected living arrangements; and

50 (B) are capable of achieving mobility sufficient to exit the facility without the

51 assistance of another person; and

52 (ii) a type II assisted living facility, which is a residential facility with a home-like

53 setting that provides an array of coordinated supportive personal and health care

54 services available 24 hours per day to residents who have been assessed under

55 department rule to need any of these services.

56 (b) Each resident in a type I or type II assisted living facility shall have a service plan

57 based on the assessment, which may include:

58 (i) specified services of intermittent nursing care;

59 (ii) administration of medication; and

60 (iii) support services promoting residents' independence and self-sufficiency.

61 (6) "Birthing center" means a facility that:

62 (a) receives maternal clients and provides care during pregnancy, delivery, and

63 immediately after delivery; and

64 (b)(i) is freestanding; or

(ii) is not freestanding, but meets the requirements for an alongside midwifery unit described in Subsection 26B-2-228(7).

(7) "Committee" means the Health Facility Committee created in Section 26B-1-204.

(8) "Consumer" means any person not primarily engaged in the provision of health care to individuals or in the administration of facilities or institutions in which such care is provided and who does not hold a fiduciary position, or have a fiduciary interest in any entity involved in the provision of health care, and does not receive, either directly or through [his] the person's spouse, more than 1/10 of [his] the person's gross income from any entity or activity relating to health care.

(9) "Elective abortion" means an abortion that is not an involuntary abortion.

[(9)] (10) "End stage renal disease facility" means a facility which furnishes staff-assisted kidney dialysis services, self-dialysis services, or home-dialysis services on an outpatient basis.

[**(10)**] **(11)** "Freestanding" means existing independently or physically separated from another health care facility by fire walls and doors and administrated by separate staff with separate records.

[(H)] (12) "General acute hospital" means a facility which provides diagnostic, therapeutic, and rehabilitative services to both inpatients and outpatients by or under the supervision of physicians.

[{12}] (13) "Governmental unit" means the state, or any county, municipality, or other political subdivision or any department, division, board, or agency of the state, a county, municipality, or other political subdivision.

[(13)] (14)(a) "Health care facility" means general acute hospitals, specialty hospitals, home health agencies, hospices, nursing care facilities, residential-assisted living facilities, birthing centers, ambulatory surgical facilities, small health care facilities, abortion clinics, facilities owned or operated by health maintenance organizations, end stage renal disease facilities, and any other health care facility which the committee designates by rule.

(b) "Health care facility" does not include the offices of private physicians or dentists, whether for individual or group practice, except that it does include an abortion clinic.

[~~(14)~~] (15) "Health maintenance organization" means an organization, organized under the laws of any state which:

- (a) is a qualified health maintenance organization under 42 U.S.C. Sec. 300e-9; or
- (b)(i) provides or otherwise makes available to enrolled participants at least the

99 following basic health care services: usual physician services, hospitalization,
100 laboratory, x-ray, emergency, and preventive services and out-of-area coverage;
101 (ii) is compensated, except for copayments, for the provision of the basic health
102 services listed in Subsection [(14)(b)(i)] (15)(b)(i) to enrolled participants by a
103 payment which is paid on a periodic basis without regard to the date the health
104 services are provided and which is fixed without regard to the frequency, extent,
105 or kind of health services actually provided;
106 (iii) provides physicians' services primarily directly through physicians who are
107 either employees or partners of such organizations, or through arrangements with
108 individual physicians or one or more groups of physicians organized on a group
109 practice or individual practice basis; and
110 (iv) provides physician assistant services.

111 [(15)] (16)(a) "Home health agency" means an agency, organization, or facility or a
112 subdivision of an agency, organization, or facility which employs two or more direct
113 care staff persons who provide licensed nursing services, therapeutic services of
114 physical therapy, speech therapy, occupational therapy, medical social services, or
115 home health aide services on a visiting basis.

116 (b) "Home health agency" does not mean an individual who provides services under the
117 authority of a private license.

118 [(16)] (17) "Hospice" means a program of care for the terminally ill and their families which
119 occurs in a home or in a health care facility and which provides medical, palliative,
120 psychological, spiritual, and supportive care and treatment.

121 (18) "Involuntary abortion" means an abortion:

- 122 (a) to remove a deceased fetus;
- 123 (b) to remove an ectopic pregnancy;
- 124 (c) that is necessary to avert the death of the woman;
- 125 (d) that is necessary to avert a serious physical risk of substantial impairment of a major
bodily function of a woman;
- 126 (e) of a fetus that has a defect that is uniformly diagnosable and uniformly lethal; or
- 127 (f) where the woman is pregnant as a result of rape or incest.

129 [(17)] (19) "Nursing care facility" means a health care facility, other than a general acute or
130 specialty hospital, constructed, licensed, and operated to provide patient living
131 accommodations, 24-hour staff availability, and at least two of the following patient
132 services:

133 (a) a selection of patient care services, under the direction and supervision of a registered
134 nurse, ranging from continuous medical, skilled nursing, psychological, or other
135 professional therapies to intermittent health-related or paraprofessional personal care
136 services;

137 (b) a structured, supportive social living environment based on a professionally designed
138 and supervised treatment plan, oriented to the individual's habilitation or
139 rehabilitation needs; or

140 (c) a supervised living environment that provides support, training, or assistance with
141 individual activities of daily living.

142 ~~[18]~~ (20) "Person" means any individual, firm, partnership, corporation, company,
143 association, or joint stock association, and the legal successor thereof.

144 ~~[19]~~ (21) "Resident" means a person 21 years old or older who:

145 (a) as a result of physical or mental limitations or age requires or requests services
146 provided in an assisted living facility; and

147 (b) does not require intensive medical or nursing services as provided in a hospital or
148 nursing care facility.

149 ~~[20]~~ (22) "Small health care facility" means a four to 16 bed facility that provides licensed
150 health care programs and services to residents.

151 ~~[21]~~ (23) "Specialty hospital" means a facility which provides specialized diagnostic,
152 therapeutic, or rehabilitative services in the recognized specialty or specialties for which
153 the hospital is licensed.

154 ~~[22]~~ (24) "Substantial compliance" means in a department survey of a licensee, the
155 department determines there is an absence of deficiencies which would harm the
156 physical health, mental health, safety, or welfare of patients or residents of a licensee.

157 ~~[23]~~ (25) "Type I abortion clinic" means a facility, including a physician's office, but not
158 including a general acute or specialty hospital, that:

159 (a) performs abortions, as defined in Section 76-7-301, during the first trimester of
160 pregnancy; and

161 (b) does not perform abortions, as defined in Section 76-7-301, after the first trimester of
162 pregnancy.

163 ~~[24]~~ (26) "Type II abortion clinic" means a facility, including a physician's office, but not
164 including a general acute or specialty hospital, that:

165 (a) performs abortions, as defined in Section 76-7-301, after the first trimester of
166 pregnancy; or

167 (b) performs abortions, as defined in Section 76-7-301, during the first trimester of
168 pregnancy and after the first trimester of pregnancy.

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

170 **26B-2-244 (Effective 05/06/26). Medical records.**

171 (1) An individual that has experienced an involuntary abortion may request that a health
172 care facility update the individual's medical record and health history to indicate that the
173 prior abortion was not an elective abortion.

174 (2) A health care facility that receives a request described in Subsection (1) shall update the
175 individual's medical record and health history within 45 days.

176 Section 3. Section **58-13-2.6** is amended to read:

177 **58-13-2.6 (Effective 05/06/26) (Repealed 07/01/26). Emergency care rendered by**
178 **a person or health care facility.**

179 (1) For purposes of this section:

180 (a) "Emergency" means an unexpected occurrence involving injury, the threat of injury,
181 or illness to a person or the public due to:
182 (i) a natural disaster;
183 (ii) bioterrorism;
184 (iii) an act of terrorism;
185 (iv) a pandemic; or
186 (v) other event of similar nature.

187 (b) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or
188 attempt to mitigate the effects of an emergency.

189 (c) "Person" means the same as that term is defined in Subsection [26B-2-201(18).]
190 26B-2-201.

191 (2)(a) A person who, in good faith, assists governmental agencies or political
192 subdivisions with the activities described in Subsection (2)(b) is not liable for civil
193 damages or penalties as a result of any act or omission unless the person rendering
194 the assistance:

195 (i) is grossly negligent;
196 (ii) caused the emergency; or
197 (iii) has engaged in criminal conduct.

198 (b) The following activities are protected from liability in accordance with Subsection
199 (2)(a):

200 (i) implementing measures to control the causes of epidemic, pandemic,

201 communicable diseases, or other conditions significantly affecting public health,
202 as necessary to protect the public health in accordance with Title 26A, Chapter 1,
203 Local Health Departments;

204 (ii) investigating, controlling, and treating suspected bioterrorism or disease in
205 accordance with ~~[Title 26B, Chapter 7, Part 4] 3, Treatment, Isolation, and~~
206 Quarantine Procedures for Communicable Diseases;
207 (iii) responding to:
208 (A) a national, state, or local emergency;
209 (B) a public health emergency as defined in Section 26B-7-301; or
210 (C) a declaration by the President of the United States or other federal official
211 requesting public health related activities; and
212 (iv) providing a facility for use by a governmental agency or political subdivision to
213 distribute pharmaceuticals or administer vaccines to the public.

214 (c) Subsection (2)(a) applies to a person even if that person has:
215 (i) a duty to respond; or
216 (ii) an expectation of payment or remuneration.

217 (3) The immunity in Subsection (2) is in addition to any immunity protections that may
218 apply in state or federal law.

219 **Section 4. Effective Date.**

220 This bill takes effect on May 6, 2026.