

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58-13-2.6 (Effective 05/06/26) (Repealed 07/01/26), as last amended by Laws of Utah 2023, Chapter 328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

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

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

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

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.

~~[(11)]~~ (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

following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services and out-of-area coverage;

(ii) is compensated, except for copayments, for the provision of the basic health services listed in Subsection ~~[(14)(b)(i)]~~ (15)(b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health services are provided and which is fixed without regard to the frequency, extent, or kind of health services actually provided;

(iii) provides physicians' services primarily directly through physicians who are either employees or partners of such organizations, or through arrangements with individual physicians or one or more groups of physicians organized on a group practice or individual practice basis; and

(iv) provides physician assistant services.

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

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

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

(18) "Involuntary abortion" means an abortion:

(a) to remove a deceased fetus;

(b) to remove an ectopic pregnancy;

(c) that is necessary to avert the death of the woman;

(d) that is necessary to avert a serious physical risk of substantial impairment of a major bodily function of a woman;

(e) of a fetus that has a defect that is uniformly diagnosable and uniformly lethal; or

(f) where the woman is pregnant as a result of rape or incest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) For purposes of this section:

(a) "Emergency" means an unexpected occurrence involving injury, the threat of injury, or illness to a person or the public due to:

(i) a natural disaster;

(ii) bioterrorism;

(iii) an act of terrorism;

(iv) a pandemic; or

(v) other event of similar nature.

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

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

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

(i) is grossly negligent;

(ii) caused the emergency; or

(iii) has engaged in criminal conduct.

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

(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.