

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:

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) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996,
34 Pub. L. No. 104-191, 110 Stat. 1936, as amended.
- 35 (e) "Parent" means an individual who has a parent-child relationship, as defined in
36 Section 81-5-102, with the child.
- 37 (2) A health care facility may not restrict a parent's access to the electronic medical record
38 system housing the electronic medical record of the parent's child unless:
- 39 (a) the parent's parental rights have been terminated;
40 (b) required by a court order; or
41 (c) the electronic medical record relates to sexual assault in accordance with Section
42 77-38-204.
- 43 (3) An EMRS vendor providing an electronic medical record system for a health care
44 facility shall ensure the electronic medical record system provided to the health care
45 facility is capable of being modified by the health care facility to comply with
46 Subsection (2).
- 47 (4)(a) A health care facility in violation of Subsection (2) is subject to a \$10,000 civil
48 fine for each day the health care facility does not comply with Subsection (2) after
49 September 1, 2026.
- 50 (b) An EMRS vendor in violation of Subsection (3) is subject to a \$10,000 civil fine for
51 each day the EMRS vendor's electronic medical record system does not comply with
52 Subsection (3) after September 1, 2026.
- 53 (c) The attorney general may bring a civil action against a health care facility or EMRS
54 vendor to enforce this section.
- 55 (d) In enforcing this section, the attorney general may issue subpoenas in investigating a
56 potential violation.
- 57 (e) A court shall award attorney fees to the attorney general if the attorney general is
58 successful in an enforcement action described in this section.
- 59 (5) A health care facility shall, upon request, provide a parent paper records without
60 charging a fee for the records if:
- 61 (a) the parent is unable to access a part of an electronic medical record because the
62 electronic medical record system is unable to provide the parent access; and

63 (b) the parent is otherwise authorized to access the records under HIPAA.

64 (6) This section does not apply to the Utah State Hospital.

65 Section 2. **Effective Date.**

66 This bill takes effect on May 6, 2026.