

Karianne Lisonbee proposes the following substitute bill:

**Medical Record Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill addresses medical records.

**Highlighted Provisions:**

This bill:

- distinguishes between an elective abortion and a medically indicated abortion;
- allows a patient to request that the patient's medical record reflect that a prior abortion was not an elective abortion;
- requires a health care provider to update a patient's medical record 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**58-13-2.6 (Effective 05/06/26) (Repealed 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 328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

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*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.**

29 As used in this part:

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

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

32 (a) dressing;

33 (b) eating;

34 (c) grooming;

35 (d) bathing;

36 (e) toileting;

37 (f) ambulation;

38 (g) transferring; and

39 (h) self-administration of medication.

40 (3) "Ambulatory surgical facility" means a freestanding facility, which provides surgical  
41 services to patients not requiring hospitalization.

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

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

45 (i) a type I assisted living facility, which is a residential facility that provides  
46 assistance with activities of daily living and social care to two or more residents  
47 who:

48 (A) require protected living arrangements; and

49 (B) are capable of achieving mobility sufficient to exit the facility without the  
50 assistance of another person; and

51 (ii) a type II assisted living facility, which is a residential facility with a home-like  
52 setting that provides an array of coordinated supportive personal and health care  
53 services available 24 hours per day to residents who have been assessed under  
54 department rule to need any of these services.

55 (b) Each resident in a type I or type II assisted living facility shall have a service plan  
56 based on the assessment, which may include:

57 (i) specified services of intermittent nursing care;

58 (ii) administration of medication; and

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

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

61 (a) receives maternal clients and provides care during pregnancy, delivery, and  
62 immediately after delivery; and

- 63 (b)(i) is freestanding; or
- 64 (ii) is not freestanding, but meets the requirements for an alongside midwifery unit
- 65 described in Subsection 26B-2-228(7).
- 66 (7) "Committee" means the Health Facility Committee created in Section 26B-1-204.
- 67 (8) "Consumer" means any person not primarily engaged in the provision of health care to
- 68 individuals or in the administration of facilities or institutions in which such care is
- 69 provided and who does not hold a fiduciary position, or have a fiduciary interest in any
- 70 entity involved in the provision of health care, and does not receive, either directly or
- 71 through [his] the person's spouse, more than 1/10 of [his] the person's gross income from
- 72 any entity or activity relating to health care.
- 73 (9) "Elective abortion" means an abortion that is not a medically indicated abortion.
- 74 [~~(9)~~] (10) "End stage renal disease facility" means a facility which furnishes staff-assisted
- 75 kidney dialysis services, self-dialysis services, or home-dialysis services on an
- 76 outpatient basis.
- 77 [~~(10)~~] (11) "Freestanding" means existing independently or physically separated from
- 78 another health care facility by fire walls and doors and administrated by separate staff
- 79 with separate records.
- 80 [~~(11)~~] (12) "General acute hospital" means a facility which provides diagnostic, therapeutic,
- 81 and rehabilitative services to both inpatients and outpatients by or under the supervision
- 82 of physicians.
- 83 [~~(12)~~] (13) "Governmental unit" means the state, or any county, municipality, or other
- 84 political subdivision or any department, division, board, or agency of the state, a county,
- 85 municipality, or other political subdivision.
- 86 [~~(13)~~] (14)(a) "Health care facility" means general acute hospitals, specialty hospitals,
- 87 home health agencies, hospices, nursing care facilities, residential-assisted living
- 88 facilities, birthing centers, ambulatory surgical facilities, small health care facilities,
- 89 abortion clinics, facilities owned or operated by health maintenance organizations,
- 90 end stage renal disease facilities, and any other health care facility which the
- 91 committee designates by rule.
- 92 (b) "Health care facility" does not include the offices of private physicians or dentists,
- 93 whether for individual or group practice, except that it does include an abortion clinic.
- 94 [~~(14)~~] (15) "Health maintenance organization" means an organization, organized under the
- 95 laws of any state which:
- 96 (a) is a qualified health maintenance organization under 42 U.S.C. Sec. 300e-9; or

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

110 [~~(15)~~] (16)(a) "Home health agency" means an agency, organization, or facility or a  
111 subdivision of an agency, organization, or facility which employs two or more direct  
112 care staff persons who provide licensed nursing services, therapeutic services of  
113 physical therapy, speech therapy, occupational therapy, medical social services, or  
114 home health aide services on a visiting basis.

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

117 [~~(16)~~] (17) "Hospice" means a program of care for the terminally ill and their families which  
118 occurs in a home or in a health care facility and which provides medical, palliative,  
119 psychological, spiritual, and supportive care and treatment.

120 (18) "Medically indicated abortion" means an abortion:

121 (a) to remove a deceased fetus;

122 (b) to remove an ectopic pregnancy;

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

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

126 [~~(17)~~] (19) "Nursing care facility" means a health care facility, other than a general acute or  
127 specialty hospital, constructed, licensed, and operated to provide patient living  
128 accommodations, 24-hour staff availability, and at least two of the following patient  
129 services:

130 (a) a selection of patient care services, under the direction and supervision of a registered

131 nurse, ranging from continuous medical, skilled nursing, psychological, or other  
132 professional therapies to intermittent health-related or paraprofessional personal care  
133 services;

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

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

139 ~~[(18)]~~ (20) "Person" means any individual, firm, partnership, corporation, company,  
140 association, or joint stock association, and the legal successor thereof.

141 ~~[(19)]~~ (21) "Resident" means ~~[a person]~~ an individual 21 years old or older who:

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

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

146 ~~[(20)]~~ (22) "Small health care facility" means a four to 16 bed facility that provides licensed  
147 health care programs and services to residents.

148 ~~[(21)]~~ (23) "Specialty hospital" means a facility which provides specialized diagnostic,  
149 therapeutic, or rehabilitative services in the recognized specialty or specialties for which  
150 the hospital is licensed.

151 ~~[(22)]~~ (24) "Substantial compliance" means in a department survey of a licensee, the  
152 department determines there is an absence of deficiencies which would harm the  
153 physical health, mental health, safety, or welfare of patients or residents of a licensee.

154 ~~[(23)]~~ (25) "Type I abortion clinic" means a facility, including a physician's office, but not  
155 including a general acute or specialty hospital, that:

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

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

160 ~~[(24)]~~ (26) "Type II abortion clinic" means a facility, including a physician's office, but not  
161 including a general acute or specialty hospital, that:

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

164 (b) performs abortions, as defined in Section 76-7-301, during the first trimester of

165 pregnancy and after the first trimester of pregnancy.

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

167 **26B-2-244 (Effective 05/06/26). Medical records.**

168 (1) An individual may request that a health care provider include in the individual's medical  
169 record and health history that an abortion was not an elective abortion if the individual  
170 experienced:

171 (a) a miscarriage;

172 (b) an abortion of a fetus that had a defect that is uniformly diagnosable and uniformly  
173 lethal;

174 (c) an abortion when the individual was pregnant as a result of rape or incest; or

175 (d) a medically indicated abortion.

176 (2) A health care provider that receives a request described in Subsection (1) shall include a  
177 note in the individual's medical record.

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

179 **58-13-2.6 (Effective 05/06/26) (Repealed 07/01/26). Emergency care rendered by**  
180 **a person or health care facility.**

181 (1) For purposes of this section:

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

184 (i) a natural disaster;

185 (ii) bioterrorism;

186 (iii) an act of terrorism;

187 (iv) a pandemic; or

188 (v) other event of similar nature.

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

191 (c) "Person" means the same as that term is defined in Subsection [~~26B-2-201(18).~~]  
192 26B-2-201.

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

197 (i) is grossly negligent;

198 (ii) caused the emergency; or

- 199 (iii) has engaged in criminal conduct.
- 200 (b) The following activities are protected from liability in accordance with Subsection
- 201 (2)(a):
- 202 (i) implementing measures to control the causes of epidemic, pandemic,
- 203 communicable diseases, or other conditions significantly affecting public health,
- 204 as necessary to protect the public health in accordance with Title 26A, Chapter 1,
- 205 Local Health Departments;
- 206 (ii) investigating, controlling, and treating suspected bioterrorism or disease in
- 207 accordance with [~~Title 26B, Chapter 7, Part 4~~] Title 26B, Chapter 7, Part 3,
- 208 Treatment, Isolation, and Quarantine Procedures for Communicable Diseases;
- 209 (iii) responding to:
- 210 (A) a national, state, or local emergency;
- 211 (B) a public health emergency as defined in Section 26B-7-301; or
- 212 (C) a declaration by the President of the United States or other federal official
- 213 requesting public health related activities; and
- 214 (iv) providing a facility for use by a governmental agency or political subdivision to
- 215 distribute pharmaceuticals or administer vaccines to the public.
- 216 (c) Subsection (2)(a) applies to a person even if that person has:
- 217 (i) a duty to respond; or
- 218 (ii) an expectation of payment or remuneration.
- 219 (3) The immunity in Subsection (2) is in addition to any immunity protections that may
- 220 apply in state or federal law.

221 Section 4. **Effective Date.**

222 This bill takes effect on May 6, 2026.