

House Bill 965

By: Representatives Kahaian of the 81<sup>st</sup>, Byrd of the 20<sup>th</sup>, Gaines of the 120<sup>th</sup>, Fincher of the 23<sup>rd</sup>, and Cox of the 28<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to  
2 health records, so as to provide for copies of certain patient records to parents or legal  
3 guardians of unemancipated minors; to provide for parent or legal guardian access to such  
4 records in a patient portal; to provide a definition; to provide for exceptions; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

7 **SECTION 1.**

8 Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records,  
9 is amended in Code Section 31-33-2, relating to retention of records and furnishing of  
10 records to patients, providers, or other authorized persons, by adding a new subsection to  
11 read as follows:

12 "(f)(1) A provider having custody and control of the records of a patient who is an  
13 unemancipated minor shall, upon written request from a parent or legal guardian of such  
14 minor, furnish a complete and current copy of such records, in accordance with the  
15 provisions of this Code section.

16 (2) As used in this paragraph, the term 'patient portal' means an internet accessible,  
17 secure application, or similar technology. A provider that uses a patient portal to  
18 maintain the records of a patient who is an unemancipated minor shall ensure that a  
19 parent or legal guardian of such minor has access in such portal to such minor's health  
20 records. A provider shall not require a parent or legal guardian of an unemancipated  
21 minor to obtain authorization from such minor before such parent or legal guardian has  
22 access in a patient portal to records relating to care such minor received with the consent  
23 of such parent or legal guardian.

24 (3) A provider shall not refuse compliance with paragraph (1) or (2) of this subsection  
25 unless:

26 (A) Governing federal and state privacy laws require such refusal;

27 (B) A court order has specifically removed the right of such parent or legal guardian  
28 to such information; or

29 (C) Parental rights of such parent or legal guardian to such minor have been  
30 terminated."

31 **SECTION 2.**

32 All laws and parts of laws in conflict with this Act are repealed.