

By: Senator(s) Parker, Hill

To: Public Health and Welfare

SENATE BILL NO. 2469

1 AN ACT TO AMEND SECTION 41-10-5, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT A HEALTH CARE PROVIDER, HEALTH CARE FACILITY OR ITS
 3 AGENT(S), OR ANY COMBINATION THEREOF, OR MEDICAL STAFF OF A SCHOOL
 4 SHALL NOT WITHHOLD MEDICAL RECORDS FROM A PARENT OR GUARDIAN OF AN
 5 UNEMANCIPATED MINOR UNDER 18 YEARS OF AGE OR REQUIRE A PARENT OR
 6 GUARDIAN TO RECEIVE THE CONSENT OF AN UNEMANCIPATED MINOR UNDER
 7 EIGHTEEN (18) YEARS OF AGE TO BE GRANTED ACCESS TO THE MINOR'S
 8 MEDICAL RECORDS; TO PROVIDE THAT A PARENT OR GUARDIAN MAY BRING
 9 SUIT FOR ANY VIOLATION OF THE ACT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 41-10-5, Mississippi Code of 1972, is
 12 amended as follows:

13 41-10-5. (1) A health care provider or its agent(s), or
 14 both, shall provide medical records and billing records that are
 15 in their possession or custody to the patient who is the subject
 16 of the records or the patient's representative within thirty (30)
 17 days from the date a valid request from the patient or the
 18 patient's representative is received by the health care provider
 19 or its agent(s). As used in this section, the term "medical
 20 records" shall have the same meaning as defined in Section
 21 41-10-3(1).



22 (2) A health care provider, health care facility or its
23 agent(s), or any combination thereof, or medical staff of a
24 school, shall not:

25 (a) Withhold medical records from a parent or guardian
26 of an unemancipated minor under eighteen (18) years of age; or

27 (b) Require a parent or guardian to receive the consent
28 of an unemancipated minor under eighteen (18) years of age to be
29 granted access to the minor's medical records.

30 For purposes of this section, "medical records" shall include
31 all medical records in the possession of the health care provider,
32 health care facility, or school, including any medical records
33 that are accessed electronically. The term "health care
34 provider," when used in this section, shall have the same meaning
35 as ascribed in Section 83-47-3. The term "health care facility,"
36 when used in this section, shall have the same meaning as ascribed
37 in Section 83-47-3.

38 (3) A parent or guardian may bring suit for any violation of
39 subsection (2) of this section and obtain compensatory damages,
40 punitive damages, injunctive relief, declaratory relief or any
41 other appropriate relief. Such claim may be brought against any
42 health care provider, health care facility or any combination
43 thereof, that caused or contributed to a violation of this
44 section.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2024.

