



HOUSE BILL No. 5817

May 23, 2000, Introduced by Reps. Jellema, Caul, Stamas, Gosselin, Birkholz, Richner, Pappageorge, DeVuyst, Garcia and Jansen and referred to the Committee on Tax Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2834, 2848, 2850, and 2882 (MCL 333.2803, 333.2834, 333.2848, 333.2850, and 333.2882), section 2882 as amended by 1997 PA 54, and by adding sections 16283 and 20189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2803. (1) "Dead body" OR "DEAD INFANT" means a human
2 body OR FETUS, or ~~parts thereof~~ A PART OF A DEAD HUMAN BODY OR
3 FETUS, in a condition from which it may reasonably be concluded
4 that death has occurred.

5 ~~(2) "Fetal death" means the death of a fetus which has com-~~
6 ~~pleted at least 20 weeks of gestation or weighs at least~~
7 ~~400 grams. The definition shall conform in all other respects as~~

1 ~~closely as possible to the definition recommended by the federal~~
2 ~~agency responsible for vital statistics.~~

3 (2) ~~(3)~~ "File" means to present a certificate, report, or
4 other record to the local registrar provided for in this part for
5 registration by the state registrar.

6 (3) ~~(4)~~ "Final disposition" means the burial, cremation,
7 or other disposition of a dead human body or ~~fetus~~ A DEAD
8 INFANT.

9 (4) "PRENATAL DEATH" MEANS THE DEATH OF A FETUS THAT HAS
10 COMPLETED AT LEAST 20 WEEKS OF GESTATION OR WEIGHS AT LEAST 400
11 GRAMS. THIS DEFINITION SHALL CONFORM IN ALL OTHER RESPECTS AS
12 CLOSELY AS POSSIBLE TO THE DEFINITION RECOMMENDED BY THE FEDERAL
13 AGENCY RESPONSIBLE FOR VITAL STATISTICS.

14 Sec. 2834. (1) A ~~fetal~~ PRENATAL death occurring in this
15 state shall be reported to the state registrar within 5 days
16 after delivery. The state registrar shall prescribe the form and
17 manner for reporting ~~fetal~~ PRENATAL deaths. The reporting form
18 shall not contain the name of the biological parents, common
19 identifiers such as social security or ~~drivers~~ DRIVER license
20 numbers or other information identifiers that would make it pos-
21 sible to identify in any manner or in any circumstances the bio-
22 logical parents of the fetus. A state agency shall not compare
23 data in an information system file with data in another computer
24 system ~~which~~ THAT would result in identifying in any way a
25 woman or father involved in a ~~fetal~~ PRENATAL death.
26 Statistical information ~~which~~ THAT may reveal the identity of

1 the biological parents involved in a ~~fetal~~ PRENATAL death shall
2 not be maintained.

3 (2) If a dead fetus is delivered in an institution, the
4 individual in charge of the institution or his or her authorized
5 representative shall prepare and file the report.

6 (3) If a dead fetus is delivered outside an institution, the
7 physician in attendance shall prepare and file the report.

8 (4) If a ~~fetal~~ PRENATAL death occurs without medical
9 attendance at or after the delivery or if inquiry is required by
10 the medical examiner, the attendant, mother, or other person
11 having knowledge of the ~~fetal~~ PRENATAL death shall notify the
12 medical examiner who shall investigate the cause and prepare and
13 file the report.

14 (5) The reports required under this section are statistical
15 reports to be used only for medical and health purposes and shall
16 not be incorporated into the permanent official records of the
17 system of vital statistics. A schedule for the disposition of
18 these reports shall be provided for by the department.

19 (6) The department or any employee of the department shall
20 not disclose to any person outside the department, the reports or
21 the contents of the reports required by this section in any
22 manner or fashion so as to permit the person or entity to whom
23 the report is disclosed to identify in any way the biological
24 parents.

25 (7) THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE A CERTIFI-
26 CATE OF PRENATAL DEATH FOR USE BY HEALTH PROFESSIONALS AND HEALTH
27 FACILITIES UNDER SECTIONS 16283 AND 20189. THE DEPARTMENT SHALL

1 INCLUDE SPACES FOR ALL OF THE FOLLOWING INFORMATION ON THE
2 CERTIFICATE OF PRENATAL DEATH:

3 (A) THE NAME OF THE DEAD INFANT, IF IT WAS GIVEN A NAME BY
4 THE PARENT OR PARENTS.

5 (B) NUMBER OF WEEKS OF GESTATION COMPLETED.

6 (C) DATE OF DELIVERY AND WEIGHT AT TIME OF DELIVERY.

7 (D) THE NAME OF THE PARENT OR PARENTS.

8 (E) THE NAME OF THE HEALTH FACILITY IN WHICH THE DEAD INFANT
9 WAS DELIVERED OR THE NAME OF THE HEALTH PROFESSIONAL IN
10 ATTENDANCE IF THE DELIVERY WAS OUTSIDE A HEALTH FACILITY.

11 Sec. 2848. (1) Except as provided in sections 2844 and
12 2845, a funeral director or person acting as a funeral director,
13 who first assumes custody of a dead body, not later than 72 hours
14 after death or the finding of a dead body and before final dispo-
15 sition of the body, shall obtain authorization for the final
16 disposition. The authorization shall be issued on a form pre-
17 scribed by the state registrar and signed by the local registrar
18 or the state registrar.

19 (2) Before final disposition of a dead ~~fetus~~ INFANT, irre-
20 spective of the duration of pregnancy, the funeral director or
21 person assuming responsibility for the final disposition of the
22 ~~fetus~~ DEAD INFANT shall obtain from the parents, or parent in
23 case of an unmarried mother, an authorization for final disposi-
24 tion on a form prescribed and furnished or approved by the state
25 registrar. The authorization may allow final disposition to be
26 by a funeral director, the individual in charge of the
27 institution where the ~~fetus~~ DEAD INFANT was delivered, or an

1 institution or agency authorized to accept donated bodies or
2 fetuses under this code. After final disposition, the funeral
3 director, the individual in charge of the institution, or other
4 person making the final disposition shall retain the permit for
5 not less than 7 years.

6 (3) If final disposition is by cremation, the medical
7 examiner of the county in which death occurred shall sign the
8 authorization.

9 (4) A body may be moved from the place of death to be pre-
10 pared for final disposition with the consent of the physician or
11 medical examiner who certifies the cause of death.

12 (5) A permit for disposition issued under the law of another
13 state ~~which~~ THAT accompanies a dead body or dead ~~fetus~~ INFANT
14 brought into this state is authorization for final disposition of
15 the DEAD body or ~~fetus~~ DEAD INFANT in this state.

16 Sec. 2850. An individual in charge of premises in which
17 interments or other disposition of dead bodies is made shall not
18 inter or allow interment or other disposition of a dead body or
19 ~~fetus~~ DEAD INFANT unless it is accompanied by an authorization
20 for final disposition. An individual in charge of a place for
21 final disposition shall keep a record of a final disposition made
22 in the premises under his or her charge. The record shall state
23 the name of the deceased, date and place of death, date of final
24 disposition, and the name and address of the funeral director or
25 person acting as a funeral director.

26 Sec. 2882. (1) Except as otherwise provided in
27 section 2890, upon written request and payment of the prescribed

1 fee, the state registrar or local registrar shall issue the
2 appropriate 1 of the following:

3 (a) A certified copy of a live birth record, a certificate
4 of registration containing the items indicated in section
5 2881(2), or a certified copy of documentary evidence on file in
6 the office of the state registrar that is not sealed under sec-
7 tion 2832 and that served as the basis for a change of a live
8 birth record to 1 of the following:

9 (i) The individual who is the subject of the live birth
10 record.

11 (ii) A parent named in the birth record.

12 (iii) An heir, a legal representative, or a legal guardian
13 of the individual who is the subject of the live birth record.

14 (iv) A court of competent jurisdiction.

15 (b) If the live birth record is 110 or more years old, a
16 certified copy of the live birth record to any applicant.

17 (c) A certified copy of a death record, including the cause
18 of death, to any applicant.

19 (d) A certified copy of a marriage or divorce record to any
20 applicant, except as provided by rule.

21 (e) A certified copy of a ~~fetal~~ PRENATAL death record that
22 was filed before September 30, 1978, to any applicant.

23 (f) A certified copy of an acknowledgment of parentage that
24 was filed after January 1, 1997, to any applicant.

25 (2) Upon written request of an adult who has been adopted
26 and payment of the prescribed fee, the state registrar shall
27 issue to that individual a copy of his or her original

1 certificate of live birth, if the written request identifies the
2 name of the adult adoptee and is accompanied by a copy of a cen-
3 tral adoption registry clearance reply form that was completed by
4 the family independence agency and delivered to that individual
5 as required by section 68(9) of the Michigan adoption code,
6 chapter X of 1939 PA 288, MCL 710.68.

7 (3) Upon written request of a confidential intermediary
8 appointed under section 68b of the Michigan adoption code, chap-
9 ter X of 1939 PA 288, MCL 710.68b, presentation of a certified
10 copy of the order of appointment, identification of the name of
11 the adult adoptee, and payment of the required fee, the state
12 registrar shall issue to the confidential intermediary a copy of
13 the original certificate of live birth of the adult adoptee on
14 whose behalf the intermediary was appointed.

15 (4) A copy of the original certificate of live birth pro-
16 vided under subsection (2) or (3) shall have the following phrase
17 marked on the face of the copy: "This document is a copy of a
18 sealed record and is not the active birth certificate of the
19 individual whose name appears on this document".

20 SEC. 16283. IF REQUESTED BY THE PARENT OR PARENTS, A
21 LICENSEE WHO IS IN ATTENDANCE AT THE DELIVERY OF A DEAD INFANT
22 OUTSIDE OF A HEALTH FACILITY, IN ADDITION TO FILLING OUT A PRENA-
23 TAL DEATH REPORT UNDER SECTION 2834, SHALL FILL OUT A CERTIFICATE
24 OF PRENATAL DEATH PROVIDED BY THE DEPARTMENT OF COMMUNITY HEALTH
25 UNDER SECTION 2834. THE LICENSEE SHALL PRESENT THE COMPLETED
26 ORIGINAL CERTIFICATE OF PRENATAL DEATH TO THE PARENT OR PARENTS
27 OF THE DEAD INFANT. THE LICENSEE SHALL NOT RETAIN A COPY OF THE

1 CERTIFICATE OR PROVIDE A COPY OF THE CERTIFICATE TO ANOTHER
2 PERSON WITHOUT THE WRITTEN CONSENT OF THE PARENT OR PARENTS.

3 SEC. 20189. IF REQUESTED BY THE PARENT OR PARENTS, A HEALTH
4 FACILITY IN WHICH A DEAD INFANT IS DELIVERED, IN ADDITION TO
5 FILLING OUT A PRENATAL DEATH REPORT UNDER SECTION 2834, SHALL
6 FILL OUT A CERTIFICATE OF PRENATAL DEATH PROVIDED BY THE DEPART-
7 MENT OF COMMUNITY HEALTH UNDER SECTION 2834. THE HEALTH FACILITY
8 SHALL PRESENT THE COMPLETED ORIGINAL CERTIFICATE OF PRENATAL
9 DEATH TO THE PARENT OR PARENTS OF THE DEAD INFANT. THE HEALTH
10 FACILITY SHALL NOT RETAIN A COPY OF THE CERTIFICATE OR PROVIDE A
11 COPY OF THE CERTIFICATE TO ANOTHER PERSON WITHOUT THE WRITTEN
12 CONSENT OF THE PARENT OR PARENTS.

13 Enacting section 1. This amendatory act does not take
14 effect unless Senate Bill No. ___ or House Bill No. 5818 (request
15 no. 03873'99*) of the 90th Legislature is enacted into law.