

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5289**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2882 and 2891 (MCL 333.2882 and 333.2891),
section 2882 as amended by 2002 PA 691 and section 2891 as amended
by 2020 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2882. (1) Except as otherwise provided in section 2890,
2 ~~upon~~ **on receipt of a** written request and payment of the prescribed
3 fee, **if any**, the state registrar or local registrar shall issue the
4 appropriate 1 of the following:

5 (a) A certified copy of a live birth record, an affidavit of
6 parentage filed after June 1, 1997, or a **certificate or other**
7 record of stillbirth filed after June 1, 2003 to 1 of the



1 following:

2 (i) The individual who is the subject of the record.

3 (ii) A parent named in the record.

4 (iii) An heir, a legal representative, or a legal guardian of
5 the individual who is the subject of the record.

6 (iv) A court of competent jurisdiction.

7 (b) If the live birth record is 100 or more years old, a
8 certified copy of the live birth record to any applicant.

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

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

13 (e) A certified copy of a fetal death record that was filed
14 before September 30, 1978, to any applicant.

15 (2) ~~Upon~~ **On receipt of a** written request of an adult who has
16 been adopted and payment of the prescribed fee, the state registrar
17 shall issue to that individual a copy of his or her original
18 certificate of live birth, if the written request identifies the
19 name of the adult adoptee and is accompanied by a copy of a central
20 adoption registry clearance reply form that was completed by the
21 ~~family independence agency~~ **department** and delivered to that
22 individual as required ~~by~~ **under** section 68(9) of the Michigan
23 adoption code, chapter X of the probate code of 1939, 1939 PA 288,
24 MCL 710.68.

25 (3) ~~Upon~~ **On receipt of a** written request of a confidential
26 intermediary appointed under section 68b of the Michigan adoption
27 code, chapter X of the probate code of 1939, 1939 PA 288, MCL
28 710.68b, presentation of a certified copy of the order of
29 appointment, identification of the name of the adult adoptee, and



1 payment of the required fee, the state registrar shall issue to the
2 confidential intermediary a copy of the original certificate of
3 live birth of the adult adoptee on whose behalf the intermediary
4 was appointed.

5 (4) A copy of the original certificate of live birth provided
6 under subsection (2) or (3) ~~shall~~**must** have the following phrase
7 marked on the face of the copy: "This document is a copy of a
8 sealed record and is not the active birth certificate of the
9 individual whose name appears on this document".

10 Sec. 2891. (1) The state registrar or a local registrar shall,
11 on receipt of a written request and payment of the prescribed fee,
12 conduct a search for a vital record for an individual who purports
13 to be eligible under section 2882 or for an agency under section
14 2883(2) to receive a certified copy, administrative use copy, or a
15 statistical use copy of the requested vital record. However, if a
16 local registrar receives a written request and payment of the fee
17 charged by the local registrar under this section from an
18 individual who purports to be eligible under section 2882 to
19 receive a certified copy of an allowable individual's birth record,
20 the local registrar shall notify the state registrar. On receipt of
21 the notification, the state registrar shall conduct a search for
22 the allowable individual's birth record within 24 hours and shall
23 do 1 of the following, as applicable:

24 (a) If the local registrar has access to the central issuance
25 system, electronically transmit the allowable individual's birth
26 record to the local registrar. If the local registrar does not have
27 access to the central issuance system, mail a copy of the allowable
28 individual's birth record to the local registrar. This subdivision
29 does not apply to a request for a birth record described in section



1 2882(2) or (3). As used in this subdivision, "central issuance
2 system" means the database maintained by the state registrar from
3 which a state certified copy of a birth record may be issued.

4 (b) If the allowable individual's birth record cannot be
5 located after conducting the search for the record, notify the
6 local registrar of that fact.

7 (2) Except as otherwise provided in subsection (1)(b), if a
8 search for a vital record is conducted by the state registrar and
9 the vital record cannot be located, the state registrar shall issue
10 an official statement that the vital record could not be located
11 instead of a certified copy or an administrative use copy of the
12 vital record. If a search for a vital record is conducted by a
13 local registrar and the vital record cannot be located, the local
14 registrar may issue an official statement as described in this
15 subsection, and the local registrar may waive the prescribed fee.

16 (3) The state registrar or a local registrar may require an
17 applicant who requests a certified copy, an administrative use
18 copy, or a statistical use copy of a vital record to provide
19 verification of his or her identity before releasing the vital
20 record if eligibility for the vital record is restricted under
21 section 2882.

22 (4) Subject to subsection (8), ~~or~~(19), **(20)**, the fees for a
23 search for a vital record are as follows:

24 (a) A search including 1 certified copy, 1
25 administrative use copy, or 1 statistical use copy
26 of a vital record or an official statement issued by
27 the state registrar that a vital record could not be
28 located..... \$34.00



1 (b) Additional identical copies ordered at the
2 same time..... \$16.00 per copy
3 (c) Additional years searched..... \$12.00 per year
4 (d) An authenticated copy..... \$42.00
5 (e) Additional authenticated copies ordered at
6 the same time..... \$26.00 per copy
7 (f) Verification of facts delineated in section
8 2881(2)..... \$18.00
9 (g) Except as otherwise provided in subdivision
10 (h), a request for an expedited search for a vital
11 record under this subsection..... \$12.00
12 (h) A request for an expedited search for an
13 authenticated copy of a vital record under
14 subdivision (d)..... \$25.00
15 (5) The fees for establishment or registration of a vital
16 record are as follows:
17 (a) Application for establishment of a delayed
18 certificate of birth or death that includes 1
19 certified copy or an official denial of the
20 application..... \$50.00
21 (b) Registration of a delayed certificate of
22 birth for a foreign born adopted child that includes
23 1 certified copy..... \$50.00
24 (6) On receipt of a formal application of a soldier; sailor;
25 marine; member of the United States Coast Guard; nurse; member of a
26 women's auxiliary; or other individual who is entitled to a bonus,
27 a pension, or other compensation under a law of this state, the
28 United States, or another state or territory of the United States
29 or a service auxiliary for a vital record for the purpose of



1 obtaining the bonus, pension, or compensation, the state registrar
2 shall furnish 1 certified copy of the vital record requested
3 without charge. If the individual who is entitled to the vital
4 record is deceased or mentally incompetent, the state registrar may
5 furnish the copy to an heir, guardian, or legal representative of
6 the individual. The state registrar shall label a certified copy
7 furnished under this subsection with the following statement: "for
8 veteran's benefits only, not for personal use".

9 (7) On receipt of a formal application, the state registrar or
10 a local registrar shall furnish a certified copy of a vital record
11 without charge to a licensed child placing agency representing a
12 child for adoption purposes. The state registrar or local registrar
13 shall label a certified copy provided under this subsection with
14 the following statement: "for adoption purposes only, not for
15 personal use".

16 (8) The state registrar shall comply with all of the
17 following:

18 (a) Subject to subdivision (b), upon formal application,
19 charge an individual who is 65 years of age or older a fee of
20 \$14.00 for a search for and 1 certified copy of his or her birth
21 record.

22 (b) If the state registrar receives notice from a local
23 registrar under subsection (1), conduct the search and provide the
24 birth record or notification as provided in that subsection without
25 charge to the local registrar or the individual requesting the
26 record.

27 (9) The state registrar shall charge the following fees for
28 the creation of new vital records and corrections of vital records:



1 (a) Application to create a new certificate of
2 birth following an adoption; legal change of name
3 for minors; acknowledgement of paternity; sex
4 change; legitimation; order of filiation; or a
5 request to replace a court filed certificate of
6 adoption..... \$50.00

7 (b) Subject to subsection (10), application
8 received within 1 year of the date of the event to
9 create a new certificate of birth or death to
10 correct obvious minor errors and
11 omissions..... \$50.00

12 (c) An application with a request for an
13 expedited creation of a new certificate under this
14 subsection..... \$25.00

15 (10) The errors and omissions that may be corrected under
16 subsection (9)(b) are limited to the following:

17 (a) The addition of a given first or middle name if a name was
18 not recorded at the time of filing.

19 (b) A change to a Social Security number.

20 (c) The addition of information originally specified as
21 unknown or that was omitted by error.

22 (d) A minor spelling change.

23 (11) The state registrar shall charge a fee of \$50.00 for an
24 application to amend birth and death records more than 1 year after
25 the date of the event for the purpose of adding information or
26 correcting an error in information recorded on the document. The
27 state registrar shall charge a fee of \$25.00 for an application
28 with a request for an expedited amendment to a birth or death
29 record under this subsection.



1 (12) The state registrar shall not charge a fee for any of the
2 following:

3 (a) Changing a vital record to correct an error made within
4 the office of a local registrar or the state registrar.

5 (b) Correcting an error if the correction is initiated by the
6 state registrar.

7 (c) Correcting a vital record if the correction is requested
8 by a county medical examiner for a case within his or her
9 jurisdiction.

10 (d) Correcting a record if the correction is ordered by a
11 court of competent jurisdiction following denial by the department
12 of an application to make the correction.

13 (e) Correcting a vital record if the correction is requested
14 by a public agency that is the guardian of the individual to whom
15 the vital record pertains.

16 (13) The state registrar shall charge a fee of \$50.00 for an
17 application to amend a birth record regarding a documented legal
18 change of name for an adult. The state registrar shall charge a fee
19 of \$25.00 for an application with a request for an expedited
20 amendment to a birth record under this subsection.

21 (14) The state registrar or a local registrar with approval of
22 the state registrar may charge a reasonable fee to cover the costs
23 of special services performed under section 2883, 2884, or 2888.

24 (15) A local registrar shall deposit fees collected under this
25 section as the governing body of the city or county directs. The
26 state registrar shall transmit fees collected under this section to
27 the state treasurer for deposit into the vital records fund created
28 in section 2892.

29 (16) The state registrar shall charge a fee of \$12.00 for an



1 application for a copy or a certified copy of a vital records-
2 related document, including, but not limited to, a completed
3 application submitted under this section or a document submitted
4 under this section to support a requested change to a vital record.

5 (17) The state registrar or a local registrar shall not charge
6 a fee other than a fee prescribed in this section. However, a local
7 governmental unit may adopt a system of fees for local registrars
8 under the jurisdiction of the local governmental unit for a search
9 that provides for fees less than those set forth in this section,
10 and a charter county with a population of more than 2,000,000 may
11 adopt a system of fees for a local registrar under the jurisdiction
12 of that charter county that provides for fees more than those set
13 forth in this section. However, a charter county shall not impose a
14 fee that is greater than the cost of the service for which the fee
15 is charged.

16 (18) For searches under subsection (4), a local registrar
17 shall charge fees according to the following:

18 (a) The governing body of a local governmental unit that has
19 jurisdiction over a local registrar may adopt a system of fees for
20 the local registrar that provides for fees less than or equal to
21 the fees set forth in subsection (4). These fees must only be used
22 for the maintenance and sustenance of the vital records fees
23 program, to alleviate any burden to the taxpayers to provide this
24 worthwhile program. A charter county with a population of more than
25 2,000,000 may adopt a system of fees for a local registrar under
26 the jurisdiction of that charter county that provides for fees that
27 are more than the fees set forth in subsection (4). A charter
28 county shall not impose a fee that is greater than the cost of the
29 service for which the fee is charged. A system of fees adopted



1 under this subdivision must be used by all local registrars under
 2 the jurisdiction of the local governmental unit and must be
 3 reasonably related to the cost incurred by the local registrar in
 4 making the search.

5 (b) If a system of fees is not adopted by a local registrar's
 6 local governmental unit under subdivision (a), the local registrar
 7 shall not charge a fee other than a fee prescribed in subsection
 8 (4).

9 (19) On receipt of a formal application, the state registrar
 10 shall conduct a search for and furnish to an individual 1 certified
 11 copy of the individual's vital record, without charge, if the
 12 individual presents all of the following to the state registrar:

13 (a) A homeless verification letter that states that the
 14 individual meets the definition of category 1 homeless as that term
 15 is defined by the United States Department of Housing and Urban
 16 Development. A verification letter provided under this subdivision
 17 must be submitted on the official letterhead of a public service
 18 agency. The department may verify the information contained in the
 19 letter with the agency of issuance before issuing a certified copy
 20 of the vital record.

21 (b) A photo identification card for the individual that is
 22 generated from the United States Department of Housing and Urban
 23 Development homeless management information system.

24 (c) Any information required by the state registrar under
 25 subsection (3).

26 **(20) The state registrar shall not charge a fee under**
 27 **subsection (4) for a search and not more than 2 certified copies or**
 28 **authenticated copies of a certificate or other record of stillbirth**
 29 **described in section 2882(1) (a) .**

