

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1323 (Substitute S-3 as reported by the Committee of the Whole)

Sponsor: Senator Loren Bennett

Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Public Health Code to end certain restrictions pertaining to the disclosure of information included in fetal death reports effective June 1, 2003, and, instead, require that fetal death reports filed on or after that date be included in the State's vital records system. With information provided in a fetal death report, the Michigan Department of Community Health (MDCH) would have to create a certificate of stillbirth. The bill also specifies that vital records and information in them would not be subject to the Freedom of Information Act.

The Code requires that a fetal death (the death of fetus that has completed at least 20 weeks of gestation or weighs at least 400 grams) be reported to the State Registrar within five days after delivery. The Code prohibits the reporting form for a fetal death from containing the name of the parents of the fetus, common identifiers such as Social Security or driver's license numbers, or other information that would make it possible to identify the parents; prohibits a State agency from comparing data in an information system file with data in another computer system that would result in identifying a woman or father involved in a fetal death; and prohibits the maintenance of statistical information that may reveal the identity of the parents involved in a fetal death. Under the bill, those provisions would not apply after June 1, 2003. The Code also prohibits the MDCH from disclosing the reports to any person outside the MDCH in any manner that would permit the identification of the parents. Under the bill, that provision would apply to reports filed before June 1, 2003.

Fetal death reports filed on or after June 1, 2003, would be permanent vital records documents and would have to be incorporated into the State's system of vital statistics. Access to a fetal death report or information contained in it would be the same as for a live birth record under the Code.

With information provided to the MDCH in a fetal death record, the Department would have to create a certificate of stillbirth that would have to conform as nearly as possible to recognized national standardized forms and include at least all of the following: the name of the fetus, if it were named by the parent or parents; the number of weeks of gestation completed; the date of delivery and weight at the time of delivery; the name of the parent or parents; and the name of the health facility in which the fetus was delivered or the name of the health professional in attendance, if delivery were outside of a health facility.

MCL 333.2803 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Other than costs associated with developing and printing the new certificate of stillbirth, this bill should result in no additional costs to State or local government.

Date Completed: 5-28-02

Fiscal Analyst: Dana Patterson