

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5998

(As passed the Senate, December 12, 2002)

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2822, 2843, 2882, and 5431 (MCL 333.2822,
333.2843, 333.2882, and 333.5431), section 2882 as amended by
2002 PA 544 and section 5431 as amended by 2000 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2822. (1) The following ~~persons~~ INDIVIDUALS shall
2 report a live birth ~~which~~ THAT occurs in this state:
3 (a) ~~When~~ IF a live birth occurs in an institution or
4 enroute ~~thereto~~ TO AN INSTITUTION, the individual in charge of
5 the institution or his or her designated representative shall
6 obtain the personal data, prepare the certificate OF BIRTH,
7 secure the signatures required by the certificate OF BIRTH, and
8 file the certificate OF BIRTH with the local registrar or as
9 otherwise directed by the state registrar within 5 days after the

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1 birth. The physician or other individual in attendance shall
2 provide the medical information required by the certificate OF
3 BIRTH and certify to the facts of birth not later than 72 hours
4 after the birth. If the physician or other individual does not
5 certify to the facts of birth within 72 hours, the individual in
6 charge of the institution OR HIS OR HER AUTHORIZED REPRESENTATIVE
7 shall complete and ~~sign the certification~~ CERTIFY THE FACTS OF
8 BIRTH.

9 (b) ~~When~~ IF a live birth occurs outside an institution,
10 the record shall be prepared, certified, and filed with the local
11 registrar by 1 of the following individuals in the ~~indicated~~
12 FOLLOWING order of priority:

13 (i) The physician in attendance at or immediately after the
14 live birth.

15 (ii) Any other individual in attendance at or immediately
16 after the live birth.

17 (iii) The father, the mother, or, in the absence of the
18 father and the inability of the mother, the individual in charge
19 of the premises where the live birth occurs.

20 (C) IF A LIVE BIRTH OCCURS DURING AN ATTEMPTED ABORTION AND
21 THE MOTHER OF THE NEWBORN HAS EXPRESSED A DESIRE NOT TO ASSUME
22 CUSTODY AND RESPONSIBILITY FOR THE NEWBORN BY REFUSING TO AUTHO-
23 RIZE NECESSARY LIFE-SUSTAINING MEDICAL TREATMENT, THE LIVE BIRTH
24 SHALL BE REPORTED AS FOLLOWS:

25 (i) IF THE ATTEMPTED ABORTION TOOK PLACE IN AN INSTITUTION,
26 THE LIVE BIRTH SHALL BE REPORTED IN THE SAME MANNER AS PROVIDED

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1 IN SUBDIVISION (A), EXCEPT THAT THE PARENTS SHALL BE LISTED AS
2 "UNKNOWN" AND THE NEWBORN SHALL BE LISTED AS "BABY DOE".

3 (ii) IF THE ATTEMPTED ABORTION TOOK PLACE OUTSIDE AN INSTI-
4 TUTION, THE LIVE BIRTH SHALL BE REPORTED IN THE SAME MANNER AS
5 PROVIDED IN SUBDIVISION (B), EXCEPT THAT THE PARENTS SHALL BE
6 LISTED AS "UNKNOWN" AND THE NEWBORN SHALL BE LISTED AS "BABY
7 DOE".

8 (2) AS USED IN THIS SECTION, "ABORTION" MEANS THAT TERM AS
9 DEFINED IN SECTION 17015.

10 Sec. 2843. (1) A funeral director ~~or his or her autho-~~
11 ~~rized agent~~ who first assumes custody of a dead body, EITHER
12 PERSONALLY OR THROUGH HIS OR HER AUTHORIZED AGENT, shall report
13 the death. FOR PURPOSES OF THIS SUBSECTION, "DEAD BODY"
14 INCLUDES, BUT IS NOT LIMITED TO, THE BODY OF AN INFANT WHO SUR-
15 VIVED AN ATTEMPTED ABORTION AS DESCRIBED IN THE BORN ALIVE INFANT
16 PROTECTION ACT AND WHO LATER DIED. The funeral director or the
17 authorized agent shall obtain the necessary personal data from
18 the next of kin or the best qualified ~~person~~ INDIVIDUAL or
19 source available and shall obtain medical certification as
20 follows:

21 (a) ~~The~~ IF THE DEATH OCCURRED OUTSIDE AN INSTITUTION, THE
22 medical certification PORTION OF THE DEATH RECORD shall be com-
23 pleted and ~~signed~~ CERTIFIED not later than 48 hours after death
24 by the attending physician; or in the absence of the attending
25 physician, by a physician acting as ~~his or her~~ THE ATTENDING
26 PHYSICIAN'S authorized representative; or in the absence of an
27 authorized representative, BY the county medical examiner; or in

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1 the absence of the county medical examiner, BY the county health
2 officer or the deputy county medical examiner. If the death
3 occurred in an institution, the medical certification shall be
4 completed and signed not later than 48 hours after death by the
5 attending physician; or in the absence of the attending physi-
6 cian, by a physician acting as ~~his or her~~ THE ATTENDING
7 PHYSICIAN'S authorized representative; or in the absence of an
8 authorized representative, by the chief medical officer of the
9 institution in which death occurred, after reviewing pertinent
10 records and making other investigation as considered necessary,
11 or by a pathologist.

12 (b) A physician, as described in subdivision (a), who for
13 himself or herself or as an agent or employee of another ~~person~~
14 INDIVIDUAL neglects or refuses to ~~sign~~ CERTIFY a death
15 ~~certificate~~ RECORD properly presented to him or her for
16 ~~signature~~ CERTIFICATION by a funeral director or who refuses or
17 neglects to furnish information in his or her possession, is
18 guilty of a misdemeanor punishable by imprisonment for not more
19 than 60 days, or a fine of not less than \$25.00 nor more than
20 \$100.00, or both.

21 (2) The medical certification shall be ~~completed and~~
22 ~~signed~~ PROVIDED not later than 48 hours after the death by the
23 physician, as described in subsection (1)(a).

24 (3) A death record shall be CERTIFIED BY A FUNERAL DIRECTOR
25 LICENSED UNDER ARTICLE 18 OF THE OCCUPATIONAL CODE, 1980 PA 299,
26 MCL 339.1801 TO 339.1812, AND SHALL BE filed with the local

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1 registrar of the district where the death occurred not later than
2 72 hours after the death.

3 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
4 DEATH OF AN INFANT WHO WAS BORN ALIVE FOLLOWING AN ATTEMPTED
5 ABORTION AND WAS SURRENDERED TO AN EMERGENCY SERVICE PROVIDER
6 UNDER THE SAFE DELIVERY OF NEWBORNS LAW, SECTIONS 1 TO 20 OF
7 CHAPTER XII OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712.1
8 TO 712.20, AND THEN DIED SHALL BE REPORTED IN THE SAME MANNER AS
9 FOR ANY DEATH. HOWEVER, THE DECEASED INFANT SHALL BE LISTED AS
10 "BABY DOE" AND NO INFORMATION THAT WOULD DIRECTLY IDENTIFY THE
11 DECEASED INFANT OR THE DECEASED INFANT'S PARENTS SHALL BE
12 REPORTED, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING
13 INFORMATION:

- 14 (A) THE NAME OF THE MOTHER OR FATHER.
15 (B) THE ADDRESS OF THE MOTHER OR FATHER.
16 (C) THE NAME OF THE INFORMANT.
17 (D) THE ADDRESS OF THE INFORMANT.

18 Sec. 2882. (1) Except as otherwise provided in
19 section 2890, upon written request and payment of the prescribed
20 fee, the state registrar or local registrar shall issue the
21 appropriate 1 of the following:

22 (a) A certified copy of a live birth record, ~~a certificate~~
23 ~~of registration containing the items indicated in section~~
24 ~~2881(2), or a certified copy of documentary evidence on file in~~
25 ~~the office of the state registrar that is not sealed under sec-~~
26 ~~tion 2832 and that served as the basis for a change of a live~~
27 ~~birth record~~ AN AFFIDAVIT OF PARENTAGE FILED AFTER JUNE 1, 1997,

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1 OR A RECORD OF STILLBIRTH FILED AFTER JUNE 1, 2003 to 1 of the
2 following:

3 (i) The individual who is the subject of the ~~live birth~~
4 record.

5 (ii) A parent named in the ~~birth~~ record.

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

8 (iv) A court of competent jurisdiction.

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

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

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

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

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

19 (2) Upon written request of an adult who has been adopted
20 and payment of the prescribed fee, the state registrar shall
21 issue to that individual a copy of his or her original certifi-
22 cate of live birth, if the written request identifies the name of
23 the adult adoptee and is accompanied by a copy of a central adop-
24 tion registry clearance reply form that was completed by the
25 family independence agency and delivered to that individual as
26 required by section 68(9) of the Michigan adoption code,
27 chapter X of THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.68.

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1 (3) Upon written request of a confidential intermediary
2 appointed under section 68b of the Michigan adoption code, chap-
3 ter X of THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.68b, pre-
4 sentation of a certified copy of the order of appointment, iden-
5 tification of the name of the adult adoptee, and payment of the
6 required fee, the state registrar shall issue to the confidential
7 intermediary a copy of the original certificate of live birth of
8 the adult adoptee on whose behalf the intermediary was
9 appointed.

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

15 Sec. 5431. (1) A health professional in charge of the care
16 of a newborn infant or, if none, the health professional in
17 charge at the birth of an infant shall administer or cause to be
18 administered to the infant a test for each of the following:

- 19 (a) Phenylketonuria.
20 (b) Galactosemia.
21 (c) Hypothyroidism.
22 (d) Maple syrup urine disease.
23 (e) Biotinidase deficiency.
24 (f) Sick cell anemia.
25 (g) Congenital adrenal hyperplasia.
26 (h) MEDIUM-CHAIN ACYL-COENZYME A DEHYDROGENASE DEFICIENCY.

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1 (I) ~~(h)~~ Other treatable but otherwise disabling conditions
2 as designated by the department.

3 (2) The informed consent requirements of sections 17020 and
4 17520 do not apply to the tests required under subsection (1).
5 The tests required under subsection (1) shall be administered and
6 reported within a time and under conditions prescribed by the
7 department. The department may require that the tests be per-
8 formed by the department.

9 (3) If the results of a test administered under subsection
10 (1) are positive, the results shall be reported to the infant's
11 parents, guardian, or person in loco parentis. A person is in
12 compliance with this subsection if the person makes a good faith
13 effort to report the positive test results to the infant's par-
14 ents, guardian, or person in loco parentis.

15 (4) Subject to the annual adjustment required under this
16 subsection and subject to subsection (6), if the department per-
17 forms 1 or more of the tests required under subsection (1), the
18 department may charge a fee for the tests of not more than
19 ~~-\$39.00-~~ \$53.71. The department shall adjust the amount pre-
20 scribed by this subsection annually by an amount determined by
21 the state treasurer to reflect the cumulative annual percentage
22 change in the Detroit consumer price index. As used in this sub-
23 section, "Detroit consumer price index" means the most comprehen-
24 sive index of consumer prices available for the Detroit area from
25 the bureau of labor statistics of the United States department of
26 labor.

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1 (5) A person who violates this section or a rule promulgated
2 under this part is guilty of a misdemeanor.

3 (6) The department shall provide for a hardship waiver of
4 the fee authorized under subsection (4) under circumstances found
5 appropriate by the department.

6 (7) The department shall do all of the following in regard
7 to the blood specimens taken for purposes of conducting the tests
8 required under subsection (1):

9 (a) By April 1, 2000, develop a schedule for the retention
10 and disposal of the blood specimens used for the tests after the
11 tests are completed. The schedule shall meet at least all of the
12 following requirements:

13 (i) Be consistent with nationally recognized standards for
14 laboratory accreditation and federal law.

15 (ii) Require that the disposal be conducted in compliance
16 with section 13811.

17 (iii) Require that the disposal be conducted in the presence
18 of a witness. For purposes of this subparagraph, the witness may
19 be an individual involved in the disposal or any other
20 individual.

21 (iv) Require that a written record of the disposal be made
22 and kept, and that the witness required under subparagraph (iii)
23 signs the record.

24 (b) Allow the blood specimens to be used for medical
25 research during the retention period established under subdivi-
26 sion (a), as long as the medical research is conducted in a
27 manner that preserves the confidentiality of the test subjects

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1 and is consistent to protect human subjects from research risks
2 under subpart A of part 46 of subchapter A of title 45 of the
3 code of federal regulations.

4 (8) The department shall rewrite its pamphlet explaining the
5 requirements of this section when the supply of pamphlets in
6 existence on ~~the effective date of the amendatory act that added~~
7 ~~this subsection~~ MARCH 15, 2000 is exhausted. When the depart-
8 ment rewrites the explanatory pamphlet, it shall include at least
9 all of the following information in the pamphlet:

10 (a) The nature and purpose of the testing program required
11 under this section, including, but not limited to, a brief
12 description of each condition or disorder listed in subsection
13 (1).

14 (b) The purpose and value of the infant's parent, guardian,
15 or person in loco parentis retaining a blood specimen obtained
16 under subsection (9) in a safe place.

17 (c) The department's schedule for retaining and disposing of
18 blood specimens developed under subsection (7)(a).

19 (d) That the blood specimens taken for purposes of conduct-
20 ing the tests required under subsection (1) may be used for medi-
21 cal research pursuant to subsection (7)(b).

22 (9) In addition to the requirements of subsection (1), the
23 health professional described in subsection (1) or the hospital
24 or other facility in which the birth of an infant takes place, or
25 both, may offer to draw an additional blood specimen from the
26 infant. If such an offer is made, it shall be made to the
27 infant's parent, guardian, or person in loco parentis at the time

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1 the blood specimens are drawn for purposes of subsection (1). If
2 the infant's parent, guardian, or person in loco parentis accepts
3 the offer of an additional blood specimen, the blood specimen
4 shall be preserved in a manner that does not require special
5 storage conditions or techniques, including, but not limited to,
6 lamination. The health professional or hospital or other facil-
7 ity employee making the offer shall explain to the parent, guard-
8 ian, or person in loco parentis at the time the offer is made
9 that the additional blood specimen can be used for future identi-
10 fication purposes and should be kept in a safe place. The health
11 professional or hospital or other facility making the offer may
12 charge a fee that is not more than the actual cost of obtaining
13 and preserving the additional blood specimen.

14 Enacting section 1. Section 5431 of the public health code,
15 1978 PA 368, MCL 333.5431, as amended by this amendatory act,
16 takes effect April 1, 2003.

17 Enacting section 2. This amendatory act does not take
18 effect unless House Bill No. 5994 of the 91st Legislature is
19 enacted into law.