

SUBSTITUTE FOR
SENATE BILL NO. 1323

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2803, 2834, 2835, 2848, and 2888
(MCL 333.2803, 333.2834, 333.2835, 333.2848, and 333.2888),
section 2835 as amended by 1999 PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2803. (1) "Dead body" means a human body OR FETUS, or
2 ~~parts thereof~~ A PART OF A DEAD HUMAN BODY OR FETUS, in a condi-
3 tion from which it may reasonably be concluded that death has
4 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
8 closely as possible to the definition recommended by the federal
9 agency responsible for vital statistics.

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1 (3) "File" means to present a certificate, report, or other
2 record to the local registrar provided for in this part for reg-
3 istration by the state registrar.

4 (4) "Final disposition" means the burial, cremation, or
5 other disposition of a dead human body or fetus.

6 Sec. 2834. (1) A fetal death occurring in this state, AS
7 DEFINED BY SECTION 2803, shall be reported to the state registrar
8 within 5 days after delivery. The state registrar shall pre-
9 scribe the form and manner for reporting fetal deaths.

10 (2) The reporting form shall not contain the name of the
11 biological parents, common identifiers such as social security or
12 drivers license numbers or other information identifiers that
13 would make it possible to identify in any manner or in any cir-
14 cumstances the biological parents of the fetus. A state agency
15 shall not compare data in an information system file with data in
16 another computer system which would result in identifying in any
17 way a woman or father involved in a fetal death. Statistical
18 information which may reveal the identity of the biological par-
19 ents involved in a fetal death shall not be maintained. THIS
20 SUBSECTION DOES NOT APPLY AFTER JUNE 1, 2003.

21 (3) ~~-(2)-~~ If a dead fetus is delivered in an institution,
22 the individual in charge of the institution or his or her autho-
23 rized representative shall prepare and file the report.

24 (4) ~~-(3)-~~ If a dead fetus is delivered outside an institu-
25 tion, the physician in attendance shall prepare and file the
26 report.

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1 (5) ~~-(4)-~~ If a fetal death occurs without medical attendance
2 at or after the delivery or if inquiry is required by the medical
3 examiner, the attendant, mother, or other person having knowledge
4 of the fetal death shall notify the medical examiner who shall
5 investigate the cause and prepare and file the report.

6 (6) ~~-(5)-~~ The reports required under this section AND FILED
7 BEFORE JUNE 1, 2003 are CONFIDENTIAL statistical reports to be
8 used only for medical and health purposes and shall not be incor-
9 porated into the permanent official records of the system of
10 vital statistics. A schedule for the disposition of these
11 reports shall be provided for by the department. ~~-(6)-~~ The
12 department or any employee of the department shall not disclose
13 to any person outside the department ~~—~~ the reports or the con-
14 tents of the reports required by this section AND FILED BEFORE
15 JUNE 1, 2003 in any manner or fashion so as to permit the person
16 or entity to whom the report is disclosed to identify in any way
17 the biological parents.

18 (7) THE REPORTS REQUIRED UNDER THIS SECTION AND FILED ON OR
19 AFTER JUNE 1, 2003 ARE PERMANENT VITAL RECORDS DOCUMENTS AND
20 SHALL BE INCORPORATED INTO THE SYSTEM OF VITAL STATISTICS AS
21 DESCRIBED IN SECTION 2805. ACCESS TO A FETAL DEATH REPORT OR
22 INFORMATION CONTAINED ON A FETAL DEATH REPORT SHALL BE THE SAME
23 AS TO A LIVE BIRTH RECORD IN ACCORDANCE WITH SECTIONS 2882, 2883,
24 AND 2888.

25 (8) WITH INFORMATION PROVIDED TO THE DEPARTMENT UNDER
26 SUBSECTION (7), THE DEPARTMENT SHALL CREATE A CERTIFICATE OF
27 STILLBIRTH WHICH SHALL CONFORM AS NEARLY AS POSSIBLE TO

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1 RECOGNIZED NATIONAL STANDARDIZED FORMS AND SHALL INCLUDE, BUT NOT
2 BE LIMITED TO, THE FOLLOWING INFORMATION:

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

5 (B) THE NUMBER OF WEEKS OF GESTATION COMPLETED.

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

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

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

12 Sec. 2835. (1) As used in this section and section 2837:

13 (a) "Abortion" means that term as defined in section 17015.

14 (b) "Physical complication" means a physical condition
15 occurring during or after an abortion that, under generally
16 accepted standards of medical practice, requires medical
17 attention. Physical complication includes, but is not limited
18 to, infection, hemorrhage, cervical laceration, or perforation of
19 the uterus.

20 (2) A physician who performs an abortion shall report the
21 performance of that procedure to the department on forms pre-
22 scribed and provided by the department. A physician shall trans-
23 mit a report required under this subsection to the director
24 within 7 days after the performance of the abortion.

25 (3) Each report of an abortion required under subsection (2)
26 shall contain only the following information and no other
27 information:

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1 (a) The age of the woman at the time of the abortion.

2 (b) The marital status of the woman at the time of the
3 abortion.

4 (c) The city or township, county, and state in which the
5 woman resided at the time of the abortion.

6 (d) The location and type of facility in which the abortion
7 was performed.

8 (e) The source of referral to the physician performing the
9 abortion.

10 (f) The number of previous pregnancies carried to term.

11 (g) The number of previous pregnancies ending in spontaneous
12 abortion.

13 (h) The number of previous pregnancies terminated by
14 abortion.

15 (i) The method used before the abortion to confirm the preg-
16 nancy, the period of gestation in weeks of the present pregnancy,
17 and the first day of the last menstrual period.

18 (j) The method used to perform the abortion.

19 (k) The weight of the embryo or fetus, if determinable.

20 (l) Whether the fetus showed evidence of life when sepa-
21 rated, expelled, or removed from the woman.

22 (m) The date of performance of the abortion.

23 (n) The method and source of payment for the abortion.

24 (o) A physical complication or death resulting from the
25 abortion and observed by the physician or reported to the physi-
26 cian or his or her agent before the report required under
27 subsection (2) is transmitted to the director.

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1 (p) The physician's signature and his or her state license
2 number.

3 (4) The report required under subsection (2) shall not con-
4 tain the name of the woman, common identifiers such as her social
5 security number or motor vehicle operator's license number or
6 other information or identifiers that would make it possible to
7 identify in any manner or under any circumstances an individual
8 who has obtained or seeks to obtain an abortion. A state agency
9 shall not compare data in an electronic or other information
10 system file with data in another electronic or other information
11 system that would result in identifying in any manner or under
12 any circumstances an individual obtaining or seeking to obtain an
13 abortion. Statistical information that may reveal the identity
14 of a woman obtaining or seeking to obtain an abortion shall not
15 be maintained.

16 (5) The department shall destroy each individual report
17 required by this section and each copy of the report after
18 retaining the report for 5 years after the date the report is
19 received.

20 (6) The department shall make available annually in aggre-
21 gate a statistical report summarizing the information submitted
22 in each individual report required by this section. The depart-
23 ment shall specifically summarize aggregate data regarding all of
24 the following in the annual statistical report:

25 (a) The period of gestation in 4-week intervals from 5 weeks
26 through 28 weeks.

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1 (b) Abortions performed on women aged 17 and under.

2 (c) Physical complications reported under subsection (3)(o)
3 and section 2837.

4 (7) The reports required under this section are statistical
5 reports to be used only for medical and health purposes and shall
6 not be incorporated into the permanent official records of the
7 system of vital statistics.

8 (8) The department or an employee of the department shall
9 not disclose to a person or entity outside the department the
10 reports or the contents of the reports required by this section
11 in a manner or fashion so as to permit the person or entity to
12 whom the report is disclosed to identify in any way the person
13 who is the subject of the report.

14 (9) A person who discloses confidential identifying informa-
15 tion in violation of this section, section ~~2834~~ 2834(6), or
16 section 2837 is guilty of a felony —, punishable by imprisonment
17 for not more than 3 years, or a fine of not more than \$5,000.00,
18 or both.

19 Sec. 2848. (1) Except as provided in sections 2844 and
20 2845, a funeral director or person acting as a funeral director,
21 who first assumes custody of a dead body, not later than 72 hours
22 after death or the finding of a dead body and before final dispo-
23 sition of the body, shall obtain authorization for the final
24 disposition. The authorization FOR FINAL DISPOSITION OF A DEAD
25 BODY shall be issued on a form prescribed by the state registrar
26 and signed by the local registrar or the state registrar.

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1 (2) Before final disposition of a dead fetus, irrespective
2 of the duration of pregnancy, the funeral director or person
3 assuming responsibility for the final disposition of the fetus
4 shall obtain from the parents, or parent in case of an unmarried
5 mother, an authorization for final disposition on a form pre-
6 scribed and furnished or approved by the state registrar. The
7 authorization may allow final disposition to be by a funeral
8 director, the individual in charge of the institution where the
9 fetus was delivered, or an institution or agency authorized to
10 accept donated bodies or fetuses under this code. After final
11 disposition, the funeral director, the individual in charge of
12 the institution, or other person making the final disposition
13 shall retain the permit for not less than 7 years.

14 (3) If final disposition is by cremation, the medical
15 examiner of the county in which death occurred shall sign the
16 authorization FOR FINAL DISPOSITION.

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

20 (5) A permit for disposition issued under the law of another
21 state ~~which~~ THAT accompanies a dead body or dead fetus brought
22 into this state is authorization for final disposition of the
23 DEAD body or DEAD fetus in this state.

24 Sec. 2888. (1) To protect the integrity of vital records,
25 to insure their proper use, and to insure the efficient and
26 proper administration of the system of vital statistics, a person
27 or governmental entity shall not permit inspection of, disclose

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1 information contained in vital records, or copy or issue a copy
2 of all or part of a record except as authorized by this part, by
3 rule, or by order of a court of competent jurisdiction. VITAL
4 RECORDS AND INFORMATION OR ANY PART OF THE INFORMATION CONTAINED
5 IN A VITAL RECORD IS NOT SUBJECT TO THE PROVISIONS OF THE FREEDOM
6 OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. Procedures
7 shall provide for adequate standards of security and confiden-
8 tiality of vital records.

9 (2) The department may establish procedures for the disclo-
10 sure of information contained in vital records for research
11 purposes.

12 (3) An appeal from a decision of a custodian of permanent
13 local records refusing to disclose information, or to permit
14 inspection of or copying of records under the authority of this
15 section and procedures adopted under section 2896, shall be made
16 to the state registrar, whose decision is binding on the local
17 custodian of permanent local records.

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