

SENATE BILL No. 1323

May 14, 2002, Introduced by Senators BENNETT, STILLE, SCHUETTE, GARCIA, SHUGARS, SANBORN and GOUGEON and referred to the Committee on Families, Mental Health and Human Services.

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.

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

1 (2) If a dead ~~fetus~~ INFANT is delivered in an institution,
2 the individual in charge of the institution or his or her
3 authorized representative shall prepare and file the PRENATAL
4 DEATH report REQUIRED UNDER SUBSECTION (1).

5 (3) If a dead ~~fetus~~ INFANT is delivered outside an insti-
6 tution, the physician in attendance shall prepare and file the
7 PRENATAL DEATH report REQUIRED UNDER SUBSECTION (1).

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 COUNTY medical examiner, the attendant, mother, or other
11 person having knowledge of the ~~fetal~~ PRENATAL death shall
12 notify the COUNTY medical examiner who shall investigate the
13 cause and prepare and 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~~ AN employee of the department
20 shall not disclose to any person outside the department, the
21 reports or the contents of the reports required by this section
22 in any manner or fashion so as to permit the person or entity to
23 whom the report is disclosed to identify in any way the biologi-
24 cal parents.

25 (7) THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE A CERTIFI-
26 CATE OF PRENATAL DEATH FOR USE BY FUNERAL DIRECTORS AND COUNTY
27 MEDICAL EXAMINERS AND BY HEALTH PROFESSIONALS AND HEALTH

1 FACILITIES UNDER SECTIONS 16283 AND 20189. THE DEPARTMENT SHALL
2 PHYSICALLY COMBINE THE CERTIFICATE OF PRENATAL DEATH WITH THE
3 AUTHORIZATION FOR THE FINAL DISPOSITION OF A DEAD INFANT FORM
4 DESCRIBED IN SECTION 2848(6). THE DEPARTMENT SHALL INCLUDE
5 SPACES FOR ALL OF THE FOLLOWING INFORMATION ON THE CERTIFICATE OF
6 PRENATAL DEATH:

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

9 (B) NUMBER OF WEEKS OF GESTATION COMPLETED.

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

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

12 (E) THE NAME OF THE HEALTH FACILITY IN WHICH THE DEAD INFANT
13 WAS DELIVERED OR THE NAME OF THE HEALTH PROFESSIONAL IN
14 ATTENDANCE IF THE DELIVERY WAS OUTSIDE A HEALTH FACILITY.

15 Sec. 2848. (1) Except as provided in sections 2844 and
16 2845, a funeral director or person acting as a funeral director,
17 who first assumes custody of a dead body, not later than 72 hours
18 after death or the finding of a dead body and before final dispo-
19 sition of the body, shall obtain authorization for the final
20 disposition. The authorization FOR FINAL DISPOSITION OF A DEAD
21 BODY shall be issued on a form prescribed by the state registrar
22 and signed by the local registrar or the state registrar. THE
23 AUTHORIZATION FOR DISPOSITION OF A DEAD INFANT SHALL BE ON A FORM
24 AS DESCRIBED IN SUBSECTION (6) AND SIGNED BY THE LOCAL REGISTRAR
25 OR THE STATE REGISTRAR.

26 (2) Before final disposition of a dead ~~fetus~~ INFANT,
27 irrespective of the duration of pregnancy, the funeral director

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

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

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

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

23 (6) THE DEPARTMENT SHALL DEVELOP A FORM FOR THE AUTHORIZA-
24 TION FOR THE FINAL DISPOSITION OF A DEAD INFANT. THE FORM SHALL
25 BE ON THE SAME SHEET OF PAPER AS THE CERTIFICATE OF PRENATAL
26 DEATH DEVELOPED UNDER SECTION 2834(7). THE FORM AND THE
27 CERTIFICATE SHALL BE SEPARATED BY A PERFORATION.

1 Sec. 2850. An individual in charge of premises in which
2 interments or other disposition of dead bodies is made shall not
3 inter or allow interment or other disposition of a dead body or
4 ~~fetus~~ DEAD INFANT unless it is accompanied by an authorization
5 for final disposition ON A FORM DESCRIBED IN SECTION 2848. An
6 individual in charge of a place for final disposition shall keep
7 a record of a final disposition made in the premises under his or
8 her charge. The record shall state the name of the deceased,
9 date and place of death, date of final disposition, and the name
10 and address of the funeral director or person acting as a funeral
11 director.

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

16 (a) A certified copy of a live birth record, a certificate
17 of registration containing the items indicated in section
18 2881(2), or a certified copy of documentary evidence on file in
19 the office of the state registrar that is not sealed under sec-
20 tion 2832 and that served as the basis for a change of a live
21 birth record to 1 of the following:

22 (i) The individual who is the subject of the live birth
23 record.

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

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

1 (iv) A court of competent jurisdiction.

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

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

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

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

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

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

21 (3) Upon written request of a confidential intermediary
22 appointed under section 68b of the Michigan adoption code, chap-
23 ter X of 1939 PA 288, MCL 710.68b, presentation of a certified
24 copy of the order of appointment, identification of the name of
25 the adult adoptee, and payment of the required fee, the state
26 registrar shall issue to the confidential intermediary a copy of

1 the original certificate of live birth of the adult adoptee on
2 whose behalf the intermediary was appointed.

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

8 SEC. 16283. A LICENSEE WHO IS IN ATTENDANCE AT THE DELIVERY
9 OF A DEAD INFANT OUTSIDE OF A HEALTH FACILITY, IN ADDITION TO
10 FILLING OUT A PRENATAL DEATH REPORT UNDER SECTION 2834, SHALL
11 FILL OUT A CERTIFICATE OF PRENATAL DEATH PROVIDED BY THE DEPART-
12 MENT OF COMMUNITY HEALTH UNDER SECTION 2834(7). THE LICENSEE
13 SHALL PRESENT THE COMPLETED ORIGINAL CERTIFICATE OF PRENATAL
14 DEATH TO THE PARENT OR PARENTS OF THE DEAD INFANT. THE LICENSEE
15 SHALL NOT RETAIN A COPY OF THE CERTIFICATE OR PROVIDE A COPY OF
16 THE CERTIFICATE TO ANOTHER PERSON WITHOUT THE WRITTEN CONSENT OF
17 THE PARENT OR PARENTS.

18 SEC. 20189. A HEALTH FACILITY IN WHICH A DEAD INFANT IS
19 DELIVERED, IN ADDITION TO FILLING OUT A PRENATAL DEATH REPORT
20 UNDER SECTION 2834, SHALL FILL OUT A CERTIFICATE OF PRENATAL
21 DEATH PROVIDED BY THE DEPARTMENT OF COMMUNITY HEALTH UNDER
22 SECTION 2834(7). THE HEALTH FACILITY SHALL PRESENT THE COMPLETED
23 ORIGINAL CERTIFICATE OF PRENATAL DEATH TO THE PARENT OR PARENTS
24 OF THE DEAD INFANT. THE HEALTH FACILITY SHALL NOT RETAIN A COPY
25 OF THE CERTIFICATE OR PROVIDE A COPY OF THE CERTIFICATE TO
26 ANOTHER PERSON WITHOUT THE WRITTEN CONSENT OF THE PARENT OR
27 PARENTS.