

# Legislative Analysis

---



## **VITAL RECORDS: CLARIFY WHO CAN REQUEST & RECEIVE**

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4233 (Substitute H-1)**  
**Sponsor: Rep. Bruce Caswell**  
**Committee: Health Policy**

### **First Analysis (2-18-08)**

**BRIEF SUMMARY:** The bill would clarify which persons are authorized to request and receive certified copies of birth records, stillbirths, and applications for marriage licenses.

**FISCAL IMPACT:** The bill is not expected to have fiscal implications for state or local governments. A more detailed discussion of the fiscal impact can be found later.

### **THE APPARENT PROBLEM:**

The State Registrar and local registrars are charged under the Public Health Code with responding to requests for certified copies of vital records such as birth, death, marriage, and divorce. Currently, the health code does not specifically list a marriage application as one of the documents that can be requested, though a provision in the Marriage License Act (Public Act 128 of 1887, MCL 551.102) does make it available upon request by authorized persons. Unlike a marriage record, which is a public record, a marriage application is a nonpublic record and therefore not subject to disclosure under the Freedom of Information Act. Only persons named in the marriage application (bride, groom, and their parents) may request and receive a certified copy of the application. Based on that statute, requests submitted by other persons have been denied by the Vital Records Office, though the Department of Community Health admits it has no clear authority under the health code to do so. Amending the health code to conform to the marriage act would grant that authority and clarify who is eligible to request and receive a copy of a marriage application.

In a related matter, the Vital Records Office has requested that the statute be clarified as to persons authorized to obtain certified copies of live births and records of stillbirths.

### **THE CONTENT OF THE BILL:**

The bill would amend the Public Health Code (MCL 333.2882) to require the State Registrar or local registrar to issue, upon written request and payment of the prescribed fee, a certified copy of a marriage application to the bride or groom, or a parent, named on the application.

The bill would also allow a parent with court-awarded custody of an individual to request and be issued a certified copy of the individual's birth record. Currently, the statute specifically lists as individuals who may request and receive a live birth record of an

individual a parent named in the birth record; a legal representative or a legal guardian; or a court of competent jurisdiction.

Further, the bill would make clarifying editorial revisions regarding who is authorized to request a birth record of a stillbirth. A certificate of stillbirth filed after June 1, 2003, could be requested and issued to a parent named on the record, an heir of a parent named on the record, or a court of competent jurisdiction.

### ***FISCAL INFORMATION:***

Requests for vital records services provided by the Department of Community Health and local governments for a certified copy of an application for a marriage license may generate a modest amount of new revenue, as House Bill 4233 (H-1) adds this to the Public Health Code as a restricted access vital record, reinforcing access language in the Marriage License Act (as of January 2007). The fee for one certified copy from the state Department of Community Health is \$26.00 as established in Sec. 2891 of the Public Health Code. Local registrars determine the fee for requests made at the local level. The Department indicates that it does not anticipate any increase in costs due to HB 4233 (H-1). It appears that there will be no change in state and local costs related to retention of marriage license application documents.

It is uncertain how many requests will be made for this information. In 2006, 59,400 marriages took place in Michigan.

### ***ARGUMENTS:***

#### ***For:***

House Bill 4233 would make technical changes to the vital records portion of the Public Health Code. In regards to who would be able to request and receive certified copies of a marriage application, the bill would amend the health code to conform to a provision in the marriage act that restricts disclosure to the bride, groom, and parents named on the application. Further, the bill would clarify provisions regarding persons authorized to obtain copies of a live birth record or stillbirth. In light of continuing problems with identity theft and security concerns after 9/11, it is important for DCH staff to have clear authority to deny access to records that, in the wrong hands, could be used for illegal activities or to establish false identities for criminal purposes.

### ***POSITIONS:***

The Department of Community Health supports the bill. (2-14-08)

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Susan Frey

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.