

HOUSE BILL No. 4941

June 19, 2007, Introduced by Reps. Angerer, Alma Smith, Bieda, Byrnes, Green, Tobocman, Miller, Leland, Donigan, Condino and Dean and referred to the Committee on Health Policy.

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The official state personal identification card
2 shall contain the following:

3 (a) An identification number permanently assigned to the
4 person.

5 (b) The full name, date of birth, sex, residential address,
6 height, weight, eye color, image, and signature of the person to

1 whom the identification card is issued.

2 (c) An indication that the identification card contains 1 or
3 more of the following:

4 (i) The blood type of the person.

5 (ii) Immunization data of the person.

6 (iii) Medication data of the person.

7 (iv) A statement that the person is deaf.

8 ~~(v) Until January 1, 2007, a statement that the person is an~~
9 ~~organ and tissue donor under part 101 of the public health code,~~
10 ~~1978 PA 368, MCL 333.10101 to 333.10109. If the identification card~~
11 ~~contains such a statement, the statement shall include the~~
12 ~~signature of the person, along with the signature of at least 1~~
13 ~~witness.~~

14 (v) ~~(vi)~~ Emergency contact information of the person.

15 (vi) ~~(vii)~~ A sticker or decal as specified by the secretary of
16 state to indicate that the holder of the official state personal
17 identification card has designated 1 or more patient advocates in
18 accordance with section 5506 of the estates and protected
19 individuals code, 1998 PA 386, MCL 700.5506, or a statement that he
20 or she carries an emergency medical information card, as described
21 in subsection ~~(5)~~ **(4)**.

22 (d) In the case of a person who is less than 18 years of age
23 at the time of issuance of the identification card, the dates on
24 which the person will become 18 years of age and 21 years of age.

25 (e) In the case of a person who is not less than 18 years of
26 age but less than 21 years of age at the time of issuance of the
27 identification card, the date on which the person will become 21

1 years of age.

2 (f) ~~Beginning January 1, 2007, in~~ **IN** the case of a holder of
3 an official state personal identification card who has indicated
4 his or her wish to participate in the ~~organ and tissue~~ **ANATOMICAL**
5 **GIFT** donor registry under part 101 of the public health code, 1978
6 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**, a heart insignia on
7 the front of the official state personal identification card.

8 (2) In conjunction with the application for ~~or, until January~~
9 ~~1, 2007, the issuance of~~ an official state personal identification
10 card, the secretary of state shall do all of the following:

11 (a) Provide the applicant with all of the following:

12 (i) Information explaining the applicant's right to make an
13 anatomical gift in the event of death under part 101 of the public
14 health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**, and
15 in accordance with this section.

16 (ii) Information describing the ~~organ, tissue, and eye~~ donor
17 registry program maintained by Michigan's federally designated
18 organ procurement organization or its successor organization **UNDER**
19 **SECTION 10120 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
20 **333.10120**. The information required under this subparagraph
21 includes the address and telephone number of Michigan's federally
22 designated organ procurement organization or its successor
23 organization **AS DEFINED IN SECTION 10102 OF THE PUBLIC HEALTH CODE,**
24 **1978 PA 368, MCL 333.10102.**

25 (iii) Information giving the applicant the opportunity to have
26 his or her name placed on the registry described in subparagraph

27 (ii).

1 (b) Provide the applicant with the opportunity to specify on
2 his or her official state personal identification card that he or
3 she is willing to make an anatomical gift in the event of death
4 pursuant to part 101 of the public health code, 1978 PA 368, MCL
5 333.10101 to ~~333.10109~~ **333.10123**, and in accordance with this
6 section.

7 (c) Inform the applicant that, if he or she indicates to the
8 secretary of state under this section a willingness to have his or
9 her name placed on the **DONOR** registry described in subdivision
10 (a) (ii), the secretary of state will mark the applicant's record for
11 the registry.

12 (3) The secretary of state may fulfill the requirements of
13 subsection (2) by 1 or more of the following methods:

14 (a) Providing printed material enclosed with a mailed notice
15 for the issuance or renewal of an official state personal
16 identification card.

17 (b) Providing printed material to an applicant who personally
18 appears at a secretary of state branch office.

19 (c) Through electronic information transmittals for
20 applications processed by electronic means.

21 ~~—— (4) Until January 1, 2007, if an applicant indicates a~~
22 ~~willingness under this section to have his or her name placed on~~
23 ~~the registry described in subsection (2) (a) (ii), the secretary of~~
24 ~~state shall within 10 days forward the applicant's name, address,~~
25 ~~and date of birth to the organ donor registry maintained by~~
26 ~~Michigan's federally designated organ procurement organization or~~
27 ~~its successor organization. The secretary of state may forward~~

1 ~~information under this subsection by mail or by electronic means.~~
2 ~~The secretary of state shall not maintain a record of the name or~~
3 ~~address of an individual who indicates a willingness to have his or~~
4 ~~her name placed on the organ donor registry after forwarding that~~
5 ~~information to the organ donor registry under this subsection.~~
6 ~~Information about an applicant's indication of a willingness to~~
7 ~~have his or her name placed on the organ donor registry obtained by~~
8 ~~the secretary of state under subsection (2) and forwarded under~~
9 ~~this subsection is exempt from disclosure under section 13(1)(d) of~~
10 ~~the freedom of information act, 1976 PA 442, MCL 15.243.~~

11 (4) ~~(5)~~The secretary of state shall prescribe the form of the
12 identification card. The secretary of state shall designate on the
13 identification card a space where the applicant may place a sticker
14 or decal of the uniform size as the secretary may specify to
15 indicate that the cardholder carries a separate emergency medical
16 information card. The sticker or decal may be provided by any
17 person, hospital, school, medical group, or association interested
18 in assisting in implementing the emergency medical information
19 card, but shall meet the specifications of the secretary of state.
20 The sticker or decal also may be used to indicate that the
21 cardholder has designated 1 or more patient advocates in accordance
22 with section 5506 of the estates and protected individuals code,
23 1998 PA 386, MCL 700.5506. The emergency medical information card,
24 carried separately by the cardholder, may contain the information
25 described in subsection (2)(c), information concerning the
26 cardholder's patient advocate designation, other emergency medical
27 information, or an indication as to where the cardholder has stored

1 or registered emergency medical information. An original
2 identification card or the renewal of an existing identification
3 card issued to a person less than 21 years of age shall be portrait
4 or vertical in form and an identification card issued to a person
5 21 years of age or over shall be landscape or horizontal in form.
6 Except as otherwise required in this act, other information
7 required on the identification card under this act may appear on
8 the identification card in a form prescribed by the secretary of
9 state.

10 (5) ~~(6)~~—The identification card shall not contain a
11 fingerprint or finger image of the applicant.

12 (6) ~~(7)~~—Except as provided in this subsection, the secretary
13 of state may retain and use a person's image and signature
14 described in subsection (1) (b) only for programs administered by
15 the secretary of state. Except as provided in this subsection, the
16 secretary of state shall not use a person's image unless written
17 permission for that purpose is granted by the person to the
18 secretary of state or specific enabling legislation permitting the
19 use is enacted into law. A law enforcement agency of this state
20 shall have access to any information retained by the secretary of
21 state under this subsection. The information may be utilized for
22 any law enforcement purpose unless otherwise prohibited by law. The
23 department of state police shall provide to the secretary of state
24 updated lists of persons required under section 5a of the sex
25 offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a
26 valid operator's or chauffeur's license or an official state
27 personal identification card and the secretary of state shall make

1 images of those persons available to the department of state police
2 as provided in the sex offenders registration act, 1994 PA 295, MCL
3 28.721 to ~~28.732~~ **28.736**.

4 (7) ~~(8)~~—If a person presents evidence of statutory blindness
5 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
6 or is the holder of an official state personal identification card,
7 the secretary of state shall mark the person's identification card
8 in a manner that clearly indicates that the cardholder is legally
9 blind.

10 (8) ~~(9)~~ ~~Beginning January 1, 2007, the~~ ~~THE~~ secretary of state
11 shall maintain a record of an individual who indicates a
12 willingness to have his or her name placed on the **DONOR** registry
13 described in subsection (2) (a) (ii). Information about a person's
14 indication of a willingness to have his or her name placed on the
15 registry that is obtained by the secretary of state and forwarded
16 under this section is exempt from disclosure under section 13(1) (d)
17 of the freedom of information act, 1976 PA 442, MCL 15.243. ~~The~~ ~~AS~~
18 **REQUIRED IN SECTION 10120 OF THE PUBLIC HEALTH CODE, 1978 PA 368,**
19 **MCL 333.10120, THE** secretary of state shall establish and maintain
20 the ~~organ, tissue, and eye donor registry in a manner that provides~~
21 electronic access ~~,~~ including, but not limited to, the transfer of
22 data to this state's federally designated organ procurement
23 ~~organizations, their~~ **ORGANIZATION OR ITS** successor ~~organizations,~~
24 ~~and~~ **ORGANIZATION, tissue BANKS,** and eye banks ~~with limitations on~~
25 ~~the use of and access to the donor registry as determined by the~~
26 ~~secretary of state~~ **IN A MANNER THAT COMPLIES WITH THAT SECTION.**

27 (9) ~~(10)~~—An official state personal identification card may

1 contain an identifier for voter registration purposes. An official
2 state personal identification card may contain information
3 appearing in electronic or machine readable codes needed to conduct
4 a transaction with the secretary of state. The information shall be
5 limited to the person's identification card number, birth date,
6 expiration date, and other information necessary for use with
7 electronic devices, machine readers, or automatic teller machines
8 and shall not contain the person's name, address, driving record,
9 or other personal identifier. The identification card shall
10 identify the encoded information.

11 (10) ~~(11)~~—An official state personal identification card shall
12 be issued only upon authorization of the secretary of state, and
13 shall be manufactured in a manner to prohibit as nearly as possible
14 the ability to reproduce, alter, counterfeit, forge, or duplicate
15 the identification card without ready detection.

16 (11) ~~(12)~~ Except as otherwise provided in this act, an
17 applicant shall pay a fee of \$10.00 to the secretary of state for
18 each original or renewal identification card issued. The department
19 of treasury shall deposit the fees received and collected under
20 this section in the state treasury to the credit of the general
21 fund. The legislature shall appropriate the fees credited to the
22 general fund under this act to the secretary of state for the
23 administration of this act. Appropriations from the Michigan
24 transportation fund created under section 10 of 1951 PA 51, MCL
25 247.660, shall not be used to compensate the secretary of state for
26 costs incurred and services performed under this section.

27 (12) ~~(13)~~—An original or renewal official state personal

1 identification card expires on the birthday of the person to whom
2 it is issued in the fourth year following the date of issuance. The
3 secretary of state shall not issue an official state personal
4 identification card under this act for a period greater than 4
5 years. Except as provided in this subsection, a person may apply
6 for a renewal of an official state personal identification card by
7 mail or by other methods prescribed by the secretary of state. The
8 secretary of state shall require renewal in person by a person
9 required under section 5a of the sex offenders registration act,
10 1994 PA 295, MCL 28.725a, to maintain a valid operator's or
11 chauffeur's license or official state personal identification card.

12 (13) ~~(14)~~—The secretary of state shall waive the fee under
13 this section if the applicant is any of the following:

14 (a) A person 65 years of age or older.

15 (b) A person who has had his or her operator's or chauffeur's
16 license suspended, revoked, or denied under the Michigan vehicle
17 code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or
18 physical infirmity or disability.

19 (c) A person who presents evidence of statutory blindness as
20 provided in 1978 PA 260, MCL 393.351 to 393.368.

21 (d) A person who presents other good cause for a fee waiver.

22 (e) ~~Beginning January 1, 2007, a~~ A person who wishes to add or
23 remove a heart insignia described in subsection (1)(f).

24 (14) ~~(15)~~—A person who has been issued an official state
25 personal identification card shall apply for a renewal official
26 state personal identification card if the person changes his or her
27 name.

1 (15) ~~(16)~~—A person who has been issued an official state
2 personal identification card shall apply for a corrected
3 identification card if he or she changes his or her residential
4 address. The secretary of state may correct the address on an
5 identification card by a method prescribed by the secretary of
6 state. A fee shall not be charged for a change of residential
7 address.

8 (16) ~~(17)~~—Except as otherwise provided in subsections (14) **AND**
9 (15), ~~and (16)~~, a person who has been issued an official state
10 personal identification card may apply for a renewal official state
11 personal identification card for 1 or more of the following
12 reasons:

13 (a) The person wants to change any information on the
14 identification card.

15 (b) An identification card issued under this act is lost,
16 destroyed, or mutilated, or becomes illegible.

17 (17) ~~(18)~~—A person may indicate on an official state personal
18 identification card in a place designated by the secretary of state
19 his or her blood type, emergency contact information, immunization
20 data, medication data, **OR** a statement that the person is deaf. ~~—~~
21 ~~or, until January 1, 2007, a statement that the person has made an~~
22 ~~anatomical gift under part 101 of the public health code, 1978 PA~~
23 ~~368, MCL 333.10101 to 333.10109.~~

24 (18) ~~(19)~~—If an applicant provides proof to the secretary of
25 state that he or she is a minor who has been emancipated under 1968
26 PA 293, MCL 722.1 to 722.6, the official state personal
27 identification card shall bear the designation of the individual's

1 emancipated status in a manner prescribed by the secretary of
2 state.

3 (19) ~~(20) Beginning January 1, 2007, the~~ **THE** secretary of
4 state shall inquire of each person who applies for or who holds an
5 official state personal identification card, in person or by mail,
6 whether he or she agrees to participate in the ~~organ, tissue, and~~
7 ~~eye~~ **ANATOMICAL GIFT** donor registry under part 101 of the public
8 health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**. A
9 person who has agreed to participate in ~~that~~ **THE DONOR** registry
10 shall not be considered to have revoked that agreement solely
11 because the person's official state personal identification card
12 has expired. Enrollment in the ~~organ, tissue, and eye~~ donor
13 registry constitutes a legal agreement that remains binding and in
14 effect after the donor's death regardless of the expressed desires
15 of the deceased donor's next of kin who may oppose the donor's
16 ~~organ, tissue, or eye donation~~ **ANATOMICAL GIFT**.

17 (20) ~~(21)~~ A valid official state personal identification card
18 presented by the person to whom the card is issued shall be
19 considered the same as a valid state of Michigan driver license
20 when identification is requested except as otherwise specifically
21 provided by law.

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No. ____ or House Bill No. 4940 (request no.
24 01547'07) of the 94th Legislature is enacted into law.