

Legislative Analysis



CONFIDENTIALITY UNDER SAFE DELIVERY OF NEWBORNS LAW

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<http://www.house.mi.gov/hfa>

House Bill 4311 as introduced
Sponsor: Rep. Hank Vaupel
Committee: Health Policy
Complete to 3-21-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4311 would amend the Public Health Code (MCL 333.2822) to protect the confidentiality of the parents who surrender their child under the Safe Delivery of Newborns Law.

Under the Public Health Code, certain information must be gathered, certified, and filed. For instance, if the birth occurs in an institution or en route to an institution, the institution must obtain the personal data, prepare the certificate of birth (including obtaining medical information from the physician), and file the certificate of birth with the local registrar or as otherwise directed by the state registrar within five days of the birth.

The bill would provide that if a newborn is surrendered under the Safe Delivery Law this same procedure would apply but the *parents would be listed as "unknown" and the newborn as "Baby Doe."*

It would also adopt the definition for *surrender* that is provided in the Safe Delivery Law (described below): to leave a newborn with an emergency service provider without expressing an intent to return for the newborn.

Finally, it would remove a definition of the term "abortion" from this section; currently the section uses the definition of *abortion* defined in Section 17015 of the Code: the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a fetus that has died as a result of natural causes, accidental trauma, or a criminal assault on the pregnant woman. Abortion does not include the use or prescription of a drug or device intended as a contraceptive.

BACKGROUND:

The Safe Delivery of Newborns Law, otherwise known as the Baby Drop-off Act, is part of the Probate Code of 1939 (MCL 712.1-712.20) and, generally speaking, allows parents safely to surrender their newborn child no more than 72 hours old to an employee who is inside and on duty at any hospital, fire department, police station, or by calling 911.

According to the Michigan Department of Health and Human Services (MDHHS), the program is intended to provide a safe, legal alternative to abandonment.¹

Enacted in 2001, the Safe Delivery Law had resulted in 175 surrenders of newborns in the state as of May 9, 2016. All 50 states have laws permitting the safe surrender of an infant.

FISCAL IMPACT:

House Bill 4311 would have no fiscal impact on state or local governments.

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

¹ MDHHS Safe Delivery webpage: http://www.michigan.gov/mdhhs/0,5885,7-339-71548_7200---,00.html