

# HOUSE BILL No. 4311

March 7, 2017, Introduced by Reps. Vaupel, Canfield, Noble, Lucido, Kahle, Lower, Graves, Hughes, Hernandez, Runestad, Webber, Elder, Theis, Marino, Allor and Leutheuser and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2822 (MCL 333.2822), as amended by 2002 PA 691.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2822. (1) The following individuals shall report a live  
2 birth that occurs in this state:

3       (a) If a live birth occurs in an institution or enroute to an  
4 institution, the individual in charge of the institution or his or  
5 her designated representative shall obtain the personal data,  
6 prepare the certificate of birth, secure the signatures required by  
7 the certificate of birth, and file the certificate of birth with  
8 the local registrar or as otherwise directed by the state registrar  
9 within 5 days after the birth. The physician or other individual in  
10 attendance shall provide the medical information required by the  
11 certificate of birth and certify to the facts of birth not later

1 than 72 hours after the birth. If the physician or other individual  
2 does not certify to the facts of birth within 72 hours, the  
3 individual in charge of the institution or his or her authorized  
4 representative shall complete and certify the facts of birth.

5 (b) If a live birth occurs outside an institution, the record  
6 shall be prepared, certified, and filed with the local registrar by  
7 1 of the following individuals in the following order of priority:

8 (i) The physician in attendance at or immediately after the  
9 live birth.

10 (ii) Any other individual in attendance at or immediately  
11 after the live birth.

12 (iii) The father, the mother, or, in the absence of the father  
13 and the inability of the mother, the individual in charge of the  
14 premises where the live birth occurs.

15 **(C) IF A NEWBORN IS SURRENDERED UNDER THE SAFE DELIVERY OF**  
16 **NEWBORNS LAW, CHAPTER XII OF THE PROBATE CODE OF 1939, 1939 PA 288,**  
17 **MCL 712.1 TO 712.20, THE LIVE BIRTH SHALL BE REPORTED IN THE SAME**  
18 **MANNER AS PROVIDED IN SUBDIVISION (A), EXCEPT THAT THE PARENTS**  
19 **SHALL BE LISTED AS "UNKNOWN" AND THE NEWBORN SHALL BE LISTED AS**  
20 **"BABY DOE".**

21 **(D) ~~(e)~~—**If a live birth occurs during an attempted abortion  
22 and the mother of the newborn has expressed a desire not to assume  
23 custody and responsibility for the newborn by refusing to authorize  
24 necessary life-sustaining medical treatment, the live birth shall  
25 be reported as follows:

26 (i) If the attempted abortion took place in an institution,  
27 the live birth shall be reported in the same manner as provided in

subdivision (a), except that the parents shall be listed as "unknown" and the newborn shall be listed as "Baby Doe".

(ii) If the attempted abortion took place outside an institution, the live birth shall be reported in the same manner as provided in subdivision (b), except that the parents shall be listed as "unknown" and the newborn shall be listed as "Baby Doe".

(2) As used in this section, ~~"abortion" means that term as defined in section 17015.~~ **"SURRENDER" MEANS THAT TERM AS DEFINED IN SECTION 1 OF THE SAFE DELIVERY OF NEWBORNS LAW, CHAPTER XII OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712.1.**

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.