

SENATE BILL NO. 503

September 10, 2019, Introduced by Senators HERTEL, GEISS, BULLOCK, POLEHANKI, MCMORROW, MCCANN, MOSS and BAYER and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2831, 2832, and 2891 (MCL 333.2831, 333.2832, and 333.2891), sections 2831 and 2832 as amended by 1996 PA 307 and section 2891 as amended by 2013 PA 136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2831. **(1)** The state registrar shall establish a new
2 certificate of birth for an individual born in this state when the

1 registrar receives the following:

2 (a) ~~A~~ **Except as otherwise provided in this subdivision, a**
3 report of adoption as provided in section 2829, a report of
4 adoption prepared and filed under the laws of another state or
5 foreign country, or a certified copy of the adoption order,
6 together with the information necessary to identify the original
7 certificate of birth and to establish a new certificate of live
8 birth. ~~However, The state registrar shall not establish a new~~
9 ~~certificate of live birth shall not be established if so requested~~
10 ~~by a request not to do so is made by~~ the court ordering the
11 adoption; the adopting parent; or the adoptee, if the adoptee is an
12 adult.

13 (b) A request that a new certificate be established and the
14 evidence required by the department proving that the individual's
15 paternity has been established.

16 (c) A request that a new certificate be established to ~~show~~
17 **reflect a sex designation other than correction to the individual's**
18 **sex designation as that of female, male, or neither male nor female**
19 **that designated differs from the individual's sex designation at**
20 **birth. The request shall be accompanied by an affidavit of a**
21 **physician certifying that sex-reassignment surgery has been**
22 **performed. individual requesting the new certificate under this**
23 **subdivision shall submit 1 of the following to the state registrar:**

24 (i) If the individual who is the subject of the certificate is
25 an adult, an affidavit attesting that the request for the
26 correction of sex is not being sought for a fraudulent purpose.

27 (ii) If the individual who is the subject of the certificate is
28 a minor, all of the following:

29 (A) A written request for the correction that is signed by the

1 minor's parent or legal guardian and, if the request is made by the
2 minor's legal guardian, legal proof of guardianship to establish
3 the individual's authority to give consent under this subparagraph.

4 (B) An affidavit from a health professional treating the minor
5 attesting that the correction requested under this subparagraph is
6 consistent with the minor's sex.

7 (2) As used in this section:

8 (a) "Health professional" means any of the following:

9 (i) An advanced practice registered nurse as that term is
10 defined in section 17201.

11 (ii) A mental health professional.

12 (b) "Mental health professional" means an individual who is
13 trained and experienced in the area of mental illness or
14 developmental disabilities and who is 1 of the following:

15 (i) A physician who is licensed under part 170 or 175.

16 (ii) A psychologist who is licensed under part 182.

17 (iii) A registered professional nurse who is licensed under part
18 172.

19 (iv) A licensed master's social worker who is licensed under
20 part 185.

21 (v) A licensed professional counselor who is licensed under
22 part 181.

23 (vi) A marriage and family therapist who is licensed under part
24 169.

25 Sec. 2832. (1) When a new certificate of live birth is
26 established, the actual place and date of birth ~~shall~~**must** be
27 shown. The new certificate ~~shall~~**must** be substituted for the
28 original certificate of live birth. Thereafter, **except as otherwise**
29 **provided in section 2882(2) or (3) or upon a court order,** the

1 original certificate and the evidence of adoption or **correction of**
2 sex designation are not subject to inspection. ~~except as otherwise~~
3 ~~provided in section 2882(2) or (3) or upon a court order.~~ Evidence
4 in support of other birth record changes is subject to inspection
5 as provided in sections 2882 and 2883.

6 (2) ~~Upon~~ **On** receipt of notice of annulment of adoption or a
7 copy of an order of rescission, the original certificate of live
8 birth ~~shall~~ **must** be restored to its place in the files. The
9 certificate created under subsection (1) is not subject to
10 inspection except upon a court order.

11 (3) If a certificate of live birth is not on file for the
12 individual for whom a new live birth certificate is to be
13 established under section 2831, a new live birth certificate may be
14 prepared on the delayed birth certificate form in use at the time
15 of adoption, legitimation, or paternity determination.

16 (4) When a new certificate of live birth is established by the
17 state registrar, all copies of the original certificate of birth in
18 the custody of a custodian of permanent records in this state ~~shall~~
19 **must** be sealed from inspection or forwarded to the state registrar,
20 as the state registrar directs.

21 Sec. 2891. (1) The state registrar or a local registrar shall,
22 ~~upon~~ **on** receipt of a written request and payment of the prescribed
23 fee, conduct a search for a vital record for an individual who
24 purports to be eligible under section 2882 or for an agency under
25 section 2883(2) to receive a certified copy, administrative use
26 copy, or a statistical use copy of the requested vital record.

27 (2) If a search for a vital record is conducted by the state
28 registrar and the vital record cannot be located, the state
29 registrar shall issue an official statement that the vital record

could not be located instead of a certified copy or an administrative use copy of the vital record. If a search for a vital record is conducted by a local registrar and the vital record cannot be located, the local registrar is not required to issue an official statement as described in this subsection, and the local registrar may waive the prescribed fee.

(3) The state registrar or a local registrar may require an applicant who requests a certified copy, an administrative use copy, or a statistical use copy of a vital record to provide verification of his or her identity before releasing the vital record if eligibility for the vital record is restricted under section 2882.

(4) Subject to subsection (8), the fees for a search for a vital record are as follows:

(a) A search including 1 certified copy, 1 administrative use copy, or 1 statistical use copy of a vital record or an official statement issued by the state registrar that a vital record could not be located.....	\$	34.00
(b) Additional identical copies ordered at the same time.....	\$	16.00
		per copy
(c) Additional years searched.....	\$	12.00
		per year
(d) An authenticated copy.....	\$	42.00
(e) Additional authenticated copies ordered at the same time.....	\$	26.00
		per copy

1 (f) Verification of facts delineated in section
2 2881(2)..... \$ 18.00

3 (g) Except as otherwise provided in subdivision
4 (h), a request for an expedited search for a vital
5 record under this
6 subsection..... \$ 12.00

7 (h) A request for an expedited search for an
8 authenticated copy of a vital record under subdivision
9 (d)..... \$ 25.00

10 (5) The fees for establishment or registration of a vital
11 record are as follows:

12 (a) Application for establishment of a delayed
13 certificate of birth or death that includes 1 certified
14 copy or an official denial of the
15 application..... \$ 50.00

16 (b) Registration of a delayed certificate of birth
17 for a foreign born adopted child that includes 1 certified
18 copy..... \$ 50.00

19 (6) ~~Upon~~ **On receipt of a** formal application of a soldier;
20 sailor; marine; member of the ~~coast guard;~~ **United States Coast**
21 **Guard;** nurse; member of a women's auxiliary; or other ~~person~~
22 **individual** who is entitled to a bonus, a pension, or other
23 compensation under a law of this state, the United States, or
24 another state or territory of the United States or a service
25 auxiliary for a vital record for the purpose of obtaining the
26 bonus, pension, or compensation, the state registrar shall furnish
27 1 certified copy of the vital record requested without charge. If
28 the ~~person~~ **individual who is** entitled to the vital record is
29 deceased or mentally incompetent, the state registrar may furnish

the copy to an heir, guardian, or legal representative of the
~~person.~~ **individual.** The state registrar shall label a certified
copy furnished under this subsection with the following statement:
"for veteran's benefits only, not for personal use".

(7) ~~Upon~~ **On receipt of a** formal application, the state
registrar or a local registrar shall furnish a certified copy of a
vital record without charge to a licensed child placing agency
representing a child for adoption purposes. The state registrar or
local registrar shall label a certified copy provided under this
subsection with the following statement: "for adoption purposes
only, not for personal use".

(8) ~~Upon~~ **On receipt of a** formal application, the state
registrar shall charge ~~a person~~ **an individual who is** 65 years of
age or older a fee of \$14.00 for a search for and 1 certified copy
of his or her birth record.

(9) The state registrar shall charge the following fees for
the creation of new vital records and corrections of vital records:

(a) Application to create a new certificate of birth
following an adoption; legal change of name for minors;
acknowledgement of paternity; **correction of sex change;**
designation; legitimation; order of filiation; or a
request to replace a court filed certificate of
adoption..... \$ 50.00

(b) Subject to subsection (10), application received
within 1 year of the date of the event to create a new
certificate of birth or death to correct obvious minor
errors and omissions..... \$ 50.00

(c) An application with a request for an expedited creation of a new certificate under this subsection..... \$ 25.00

(10) The errors and omissions that may be corrected under subsection (9)(b) are limited to the following:

(a) The addition of a given first or middle name if a name was not recorded at the time of filing.

(b) A change to a ~~social security~~ **Social Security** number.

(c) The addition of information originally specified as unknown or that was omitted by error.

(d) A minor spelling change.

(11) The state registrar shall charge a fee of \$50.00 for an application to amend birth and death records more than 1 year after the date of the event for the purpose of adding information or correcting an error in information recorded on the document. The state registrar shall charge a fee of \$25.00 for an application with a request for an expedited amendment to a birth or death record under this subsection.

(12) The state registrar shall not charge a fee for any of the following:

(a) Changing a vital record to correct an error made within the office of a local registrar or the state registrar.

(b) Correcting an error if the correction is initiated by the state registrar.

(c) Correcting a vital record if the correction is requested by a county medical examiner for a case within his or her jurisdiction.

(d) Correcting a record if the correction is ordered by a court of competent jurisdiction following denial by the department

1 of an application to make the correction.

2 (e) Correcting a vital record if the correction is requested
3 by a public agency that is the guardian of the individual to whom
4 the vital record pertains.

5 (13) The state registrar shall charge a fee of \$50.00 for an
6 application to amend a birth record regarding a documented legal
7 change of name for an adult. The state registrar shall charge a fee
8 of \$25.00 for an application with a request for an expedited
9 amendment to a birth record under this subsection.

10 (14) The state registrar or a local registrar with approval of
11 the state registrar may charge a reasonable fee to cover the costs
12 of special services performed pursuant to section 2883, 2884, or
13 2888.

14 (15) A local registrar shall deposit fees collected under this
15 section as the governing body of the city or county directs. The
16 state registrar shall transmit fees collected under this section to
17 the state treasurer for deposit into the vital records fund created
18 in section 2892.

19 (16) The state registrar shall charge a fee of \$12.00 for an
20 application for a copy or a certified copy of a vital records-
21 related document, including, but not limited to, a completed
22 application submitted under this section or a document submitted
23 under this section to support a requested change to a vital record.

24 (17) The state registrar or a local registrar shall not charge
25 a fee other than a fee prescribed in this section. However, a local
26 governmental unit may adopt a system of fees for local registrars
27 under the jurisdiction of the local governmental unit for a search
28 that provides for fees less than those set forth in this section,
29 and a charter county with a population of **1,500,000 or more** ~~than~~

1 ~~2,000,000~~ may adopt a system of fees for a local registrar under
2 the jurisdiction of that charter county that provides for fees more
3 than those set forth in this section. However, a charter county
4 shall not impose a fee that is greater than the cost of the service
5 for which the fee is charged.

6 (18) For searches under subsection (4), a local registrar
7 shall charge fees according to the following:

8 (a) The governing body of a local governmental unit that has
9 jurisdiction over a local registrar may adopt a system of fees for
10 the local registrar that provides for fees less than or equal to
11 the fees set forth in subsection (4). These fees ~~shall~~ **must only** be
12 used for the maintenance and sustenance of the vital records fees
13 program, ~~only. The fees shall~~ **to** alleviate any burden to the
14 taxpayers to provide this worthwhile program. A charter county with
15 a population of **1,500,000 or** more ~~than 2,000,000~~ may adopt a system
16 of fees for a local registrar under the jurisdiction of that
17 charter county that provides for fees that are more than the fees
18 set forth in subsection (4). A charter county shall not impose a
19 fee that is greater than the cost of the service for which the fee
20 is charged. A system of fees adopted under this subdivision ~~shall~~
21 **must** be used by all local registrars under the jurisdiction of the
22 local governmental unit and ~~shall~~ **must** be reasonably related to the
23 cost incurred by the local registrar in making the search.

24 (b) If a system of fees is not adopted by a local registrar's
25 local governmental unit under subdivision (a), the local registrar
26 shall not charge a fee other than a fee prescribed in subsection
27 (4).