

SENATE BILL NO. 1178

September 21, 2022, Introduced by Senators HERTEL, BRINKS, MCCANN, POLEHANKI, SANTANA, CHANG, GEISS, BULLOCK, MCMORROW, MOSS and HOLLIER and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2822, 2831, 2832, and 2891 (MCL 333.2822,
333.2831, 333.2832, and 333.2891), section 2822 as amended by 2017
PA 142, sections 2831 and 2832 as amended by 1996 PA 307, and
section 2891 as amended by 2020 PA 209.

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:

1 (a) ~~If~~**Subject to subsection (2), if** a live birth occurs in an
2 institution or enroute to an institution, the individual in charge
3 of the institution or his or her designated representative shall
4 obtain the personal data, prepare the certificate of birth, secure
5 the signatures required by the certificate of birth, and file the
6 certificate of birth with the local registrar or as otherwise
7 directed by the state registrar within 5 days after the birth. The
8 physician or other individual in attendance shall provide the
9 medical information required by the certificate of birth and
10 certify to the facts of birth not later than 72 hours after the
11 birth. If the physician or other individual does not certify to the
12 facts of birth within 72 hours, the individual in charge of the
13 institution or his or her authorized representative shall complete
14 and certify the facts of birth.

15 (b) ~~If~~**Subject to subsection (2), if** a live birth occurs
16 outside an institution, the record ~~shall~~**must** be prepared,
17 certified, and filed with the local registrar by 1 of the following
18 individuals in the following order of priority:

19 (i) The physician in attendance at or immediately after the
20 live birth.

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

23 (iii) The father, the mother, or, in the absence of the father
24 and the inability of the mother, the individual in charge of the
25 premises where the live birth occurs.

26 (c) If a newborn is surrendered under the safe delivery of
27 newborns law, chapter XII of the probate code of 1939, 1939 PA 288,
28 MCL 712.1 to 712.20, the live birth ~~shall~~**must** be reported in the
29 same manner as provided in subdivision (a), except that the parents

~~shall~~**must** be listed as "unknown" and the newborn ~~shall~~**must** be listed as "Baby Doe".

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

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

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

(2) If an individual required to report a live birth under subsection (1)(a) or (b) receives a certification form described in section 9 of the gestational surrogacy parentage act or an order or judgment issued under section 13 of the gestational surrogacy parentage act, the live birth must be reported in the same manner as provided in subsection (1)(a) or (b), except that the intended parent named on the certification form, judgment, or order must be listed as the newborn's parent.

(3) ~~(2)~~As used in this section: ~~,"surrender"~~

(a) "Intended parent" means that term as defined in section 3 of the gestational surrogacy parentage act.

(b) "Surrender" means that term as defined in section 1 of the safe delivery of newborns law, chapter XII of the probate code of

1 1939, 1939 PA 288, MCL 712.1.

2 Sec. 2831. The state registrar shall establish a new
3 certificate of birth for an individual born in this state when the
4 registrar receives the following:

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

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

17 (c) A request that a new certificate be established to show a
18 sex designation other than that designated at birth. The request
19 ~~shall~~**must** be accompanied by an affidavit of a physician certifying
20 that sex-reassignment surgery has been performed.

21 (d) **A certification form under section 9 of the gestational**
22 **surrogacy parentage act or an order or judgment issued under**
23 **section 13 of the gestational surrogacy parentage act, together**
24 **with the information necessary to identify the original certificate**
25 **of birth and to establish a new certificate of live birth.**

26 Sec. 2832. (1) When a new certificate of live birth is
27 established, the actual place and date of birth ~~shall~~**must** be
28 shown. The new certificate ~~shall~~**must** be substituted for the
29 original certificate of live birth. Thereafter, the original

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

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

12 (3) If a certificate of live birth is not on file for the
13 individual for whom a new live birth certificate is to be
14 established under section 2831, a new live birth certificate may be
15 prepared on the delayed birth certificate form in use at the time
16 of **the** adoption, legitimation, ~~or~~ paternity determination,
17 **certification under section 9 of the gestational surrogacy**
18 **parentage act, or order or judgment issued under section 13 of the**
19 **gestational surrogacy parentage act.**

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

25 Sec. 2891. (1) The state registrar or a local registrar shall,
26 on receipt of a written request and payment of the prescribed fee,
27 conduct a search for a vital record for an individual who purports
28 to be eligible under section 2882 or for an agency under section
29 2883(2) to receive a certified copy, administrative use copy, or a

1 statistical use copy of the requested vital record. However, if a
2 local registrar receives a written request and payment of the fee
3 charged by the local registrar under this section from an
4 individual who purports to be eligible under section 2882 to
5 receive a certified copy of an allowable individual's birth record,
6 the local registrar shall notify the state registrar. On receipt of
7 the notification, the state registrar shall conduct a search for
8 the allowable individual's birth record within 24 hours and shall
9 do 1 of the following, as applicable:

10 (a) If the local registrar has access to the central issuance
11 system, electronically transmit the allowable individual's birth
12 record to the local registrar. If the local registrar does not have
13 access to the central issuance system, mail a copy of the allowable
14 individual's birth record to the local registrar. This subdivision
15 does not apply to a request for a birth record described in section
16 2882(2) or (3). As used in this subdivision, "central issuance
17 system" means the database maintained by the state registrar from
18 which a state certified copy of a birth record may be issued.

19 (b) If the allowable individual's birth record cannot be
20 located after conducting the search for the record, notify the
21 local registrar of that fact.

22 (2) Except as otherwise provided in subsection (1)(b), if a
23 search for a vital record is conducted by the state registrar and
24 the vital record cannot be located, the state registrar shall issue
25 an official statement that the vital record could not be located
26 instead of a certified copy or an administrative use copy of the
27 vital record. If a search for a vital record is conducted by a
28 local registrar and the vital record cannot be located, the local
29 registrar may 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), (19), **or** (20), 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

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

(g) Except as otherwise provided in subdivision

(h), a request for an expedited search for a vital record under this subsection..... \$12.00

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

(5) The fees for establishment or registration of a vital

record are as follows:

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

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

(6) On receipt of a formal application of a soldier; sailor; marine; member of the United States Coast Guard; nurse; member of a women's auxiliary; or other individual who is entitled to a bonus, a pension, or other compensation under a law of this state, the United States, or another state or territory of the United States or a service auxiliary for a vital record for the purpose of obtaining the bonus, pension, or compensation, the state registrar shall furnish 1 certified copy of the vital record requested without charge. If the individual who is entitled to the vital record is deceased or mentally incompetent, the state registrar may furnish the copy to an heir, guardian, or legal representative of the 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) 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) The state registrar shall comply with all of the following:

(a) Subject to subdivision (b), upon formal application, charge 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.

(b) If the state registrar receives notice from a local registrar under subsection (1), conduct the search and provide the birth record or notification as provided in that subsection without charge to the local registrar or the individual requesting the 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; sex change; legitimation; order of filiation; **certification, order, or judgment under section 9 or 13 of the gestational surrogacy parentage act**; 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

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

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

5 (b) A change to a Social Security number.

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

8 (d) A minor spelling change.

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

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

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

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

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

25 (d) Correcting a record if the correction is ordered by a
26 court of competent jurisdiction following denial by the department
27 of an application to make the correction.

28 (e) Correcting a vital record if the correction is requested
29 by a public agency that is the guardian of the individual to whom

1 the vital record pertains.

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

7 (14) The state registrar or a local registrar with approval of
8 the state registrar may charge a reasonable fee to cover the costs
9 of special services performed under section 2883, 2884, or 2888.

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

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

20 (17) The state registrar or a local registrar shall not charge
21 a fee other than a fee prescribed in this section. However, a local
22 governmental unit may adopt a system of fees for local registrars
23 under the jurisdiction of the local governmental unit for a search
24 that provides for fees less than those set forth in this section,
25 and a charter county with a population of more than ~~2,000,000~~
26 **1,500,000** may adopt a system of fees for a local registrar under
27 the jurisdiction of that charter county that provides for fees more
28 than those set forth in this section. However, a charter county
29 shall not impose a fee that is greater than the cost of the service

1 for which the fee is charged.

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

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

20 (b) If a system of fees is not adopted by a local registrar's
21 local governmental unit under subdivision (a), the local registrar
22 shall not charge a fee other than a fee prescribed in subsection
23 (4).

24 (19) On receipt of a formal application, the state registrar
25 shall conduct a search for and furnish to an individual 1 certified
26 copy of the individual's vital record, without charge, if the
27 individual presents all of the following to the state registrar:

28 (a) A homeless verification letter that states that the
29 individual meets the definition of category 1 homeless as that term

1 is defined by the United States Department of Housing and Urban
2 Development. A verification letter provided under this subdivision
3 must be submitted on the official letterhead of a public service
4 agency. The department may verify the information contained in the
5 letter with the agency of issuance before issuing a certified copy
6 of the vital record.

7 (b) A photo identification card for the individual that is
8 generated from the United States Department of Housing and Urban
9 Development homeless management information system.

10 (c) Any information required by the state registrar under
11 subsection (3).

12 (20) The state registrar shall not charge a fee under
13 subsection (4) for a search and not more than 2 certified copies or
14 authenticated copies of a certificate or other record of stillbirth
15 described in section 2882(1)(a).

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

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. 1177 of the 101st Legislature is enacted
20 into law.