

SUBSTITUTE FOR
HOUSE BILL NO. 5303

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2831 and 2872 (MCL 333.2831 and 333.2872),
section 2831 as amended by 2024 PA 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (a) A report of adoption as provided in section 2829, a report
5 of adoption prepared and filed under the laws of another state or
6 foreign country, or a certified copy of the adoption order,
7 together with the information necessary to identify the original
8 certificate of birth and to establish a new certificate of live

1 birth. However, the state registrar shall not establish a new
2 certificate of live birth if so requested by the court ordering the
3 adoption; the adopting parent; or the adoptee, if the adoptee is an
4 adult.

5 (b) A request that a new certificate be established and the
6 evidence required by the department proving that the individual's
7 parentage has been established.

8 (c) A request that a new certificate be established to show a
9 sex designation other than that designated at birth. The request
10 must be accompanied by ~~an affidavit of a physician certifying that~~
11 ~~sex-reassignment surgery has been performed.~~ **a form approved by the**
12 **director and signed by the individual indicating a sex designation.**
13 **If the form is accompanied by a court order changing the name of**
14 **the individual, the new certificate must also reflect the new legal**
15 **name. The state registrar may not require any additional document**
16 **or certification other than the form, or, if applicable, the court**
17 **order, required under this subdivision.**

18 (d) A judgment or a parentage judgment under section 203 or
19 308 of the assisted reproduction and surrogacy parentage act, **2024**
20 **PA 24, MCL 722.1803 and 722.1908**, together with the information
21 necessary to identify the original certificate of birth and to
22 establish a new certificate of live birth.

23 Sec. 2872. (1) Upon written request and receipt of an
24 acknowledgment of paternity from the probate court of a child born
25 out of wedlock, the state registrar shall create a new certificate
26 of birth to show paternity. Upon the written request of the
27 parents, the surname of the child ~~shall~~**must** be changed on the
28 certificate to that designated by the parents. The certificate
29 ~~shall~~**must** not be marked "amended". The original certificate of

1 live birth ~~shall~~**must** be sealed in accordance with section 2832.

2 (2) Upon receipt of a certified copy of a court order changing
3 the name of an individual born in this state and upon request of
4 the individual or the individual's parents, guardian, or legal
5 representative, the state registrar shall affix an addendum to the
6 individual's certificate of live birth, which ~~shall~~**must** state the
7 individual's new name and identify the court order. The state
8 registrar shall create a new live birth certificate and seal the
9 original certificate only if the court order changing the
10 individual's name specifically directs the state registrar to do so
11 or if the request relates to a minor whose name is changed pursuant
12 to section 1 of chapter 11 of Act No. 288 of the Public Acts of
13 1939, as amended, being section 711.1 of the Michigan Compiled
14 Laws, under section 1 of chapter XI of the probate code of 1939,
15 1939 PA 288, MCL 711.1.

16 (3) The requirement under subsection (2) that a court order
17 changing the individual's name must include a specific direction to
18 the state registrar for the state registrar to create a new live
19 birth certificate and seal the original certificate does not apply
20 to a new certificate of birth established under section 2831(c).