

# HOUSE BILL NO. 4368

April 22, 2025, Introduced by Reps. Woolford, Wortz, Kelly, Fox, Johnsen, Robinson, Beson, Kunse, Thompson, Paquette, Rigas, Maddock, Alexander, Markkanen, St. Germaine, Cavitt, Greene, Frisbie, Outman, Bierlein and Linting and referred to Committee on Families and Veterans.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2843 (MCL 333.2843), as amended by 2013 PA 79.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2843. (1) A funeral director who first assumes custody of  
2 a dead body, either personally or through ~~his or her~~ **the funeral**  
3 **director's** authorized agent, shall report the death. For purposes  
4 of this subsection, "dead body" includes, but is not limited to,  
5 the body of an infant who survived an attempted abortion as  
6 described in the born alive infant protection act, **2002 PA 687, MCL**

1 **333.1071 to 333.1073**, and who later died. The funeral director or  
 2 the authorized agent ~~shall~~**must** obtain the necessary personal data  
 3 from the next of kin or the best qualified individual or source  
 4 available and ~~shall~~**must** obtain medical certification as follows:

5 (a) If the death occurred outside an institution, the medical  
 6 certification portion of the death record ~~shall~~**must** be completed  
 7 and certified not later than 48 hours after death by the attending  
 8 physician; or in the absence of the attending physician, by a  
 9 physician acting as the attending physician's authorized  
 10 representative; or in the absence of an authorized representative,  
 11 by the county medical examiner; or in the absence of the county  
 12 medical examiner, by the county health officer or the deputy county  
 13 medical examiner. If the death occurred in an institution, the  
 14 medical certification ~~shall~~**must** be completed and signed not later  
 15 than 48 hours after death by the attending physician; or in the  
 16 absence of the attending physician, by a physician acting as the  
 17 attending physician's authorized representative; or in the absence  
 18 of an authorized representative, by the chief medical officer of  
 19 the institution in which death occurred, after reviewing pertinent  
 20 records and making other investigation as considered necessary, or  
 21 by a pathologist.

22 (b) A physician described in subdivision (a), who for ~~himself~~  
 23 ~~or herself~~**the physician** or as an agent or employee of another  
 24 individual neglects or refuses to certify a death record properly  
 25 presented to ~~him or her~~**the physician** for certification by a  
 26 funeral director or who refuses or neglects to furnish information  
 27 in ~~his or her~~**the physician's** possession ~~—~~is guilty of a  
 28 misdemeanor punishable by imprisonment for not more than 60 days ~~—~~  
 29 or a fine of not less than \$25.00 ~~nor or~~ more than \$100.00, or

1 both.

2 (2) A physician described in subsection (1)(a) shall provide  
3 the medical certification described in subsection (1)(a) within 48  
4 hours after the death.

5 (3) A death record ~~shall~~**must** be certified by a funeral  
6 director who is licensed under article 18 of the occupational code,  
7 1980 PA 299, MCL 339.1801 to 339.1812, or by an individual who  
8 holds a courtesy license under section 1806a of ~~that act,~~**the**  
9 **occupational code, 1980 PA 299, MCL 339.1806a,** and ~~shall~~**must** be  
10 filed with the local registrar of the district where the death  
11 occurred within 72 hours after the death.

12 (4) Except as otherwise provided in this subsection, the death  
13 of an infant who was born alive following an attempted abortion and  
14 was surrendered to an emergency service provider **or a newborn**  
15 **safety device** under the safe delivery of newborns law, ~~sections 1~~  
16 ~~to 20 of chapter XII of the probate code of 1939,~~ 1939 PA 288, MCL  
17 712.1 to 712.20, and then died ~~shall~~**must** be reported in the same  
18 manner as for any death. ~~However, the~~**The** deceased infant shall be  
19 listed as "Baby Doe" and no information that would directly  
20 identify the deceased infant or the deceased infant's parents ~~shall~~  
21 **must** be reported, including, but not limited to, the following  
22 information:

- 23 (a) The name of the mother or father.
- 24 (b) The address of the mother or father.
- 25 (c) The name of the informant.
- 26 (d) The address of the informant.

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

29 Enacting section 2. This amendatory act does not take effect

1 unless House Bill No. 4067 of the 103rd Legislature is enacted into  
2 law.