

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

**333.2822 Individuals required to report live birth occurring in state; "surrender" defined.**

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

(a) If a live birth occurs in an institution or enroute to an institution, the individual in charge of the institution or that individual's designated representative shall obtain the personal data, prepare the certificate of birth, secure the signatures required by the certificate of birth, and file the certificate of birth with the local registrar or as otherwise directed by the state registrar within 5 days after the birth. The physician or other individual in attendance shall provide the medical information required by the certificate of birth and certify to the facts of birth not later than 72 hours after the birth. If the physician or other individual does not certify to the facts of birth within 72 hours, the individual in charge of the institution or the individual's authorized representative shall complete and certify the facts of birth.

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

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

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

(iii) A parent, or, in the absence of a parent, the individual in charge of the premises where the live birth occurs.

(c) If a newborn is surrendered under the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, the live birth must be reported in the same manner as provided in subdivision (a), except that the parents must be listed as "unknown" and the newborn 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 must be reported as follows:

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

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

(2) As used in this section, "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.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2002, Act 691, Eff. Mar. 31, 2003;—Am. 2017, Act 142, Eff. Jan. 28, 2018;—Am. 2024, Act 25, Eff. Apr. 2, 2025.

**Popular name:** Act 368