

Act No. 149
Public Acts of 1990
Approved by the Governor
June 26, 1990
Filed with the Secretary of State
June 27, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Pitoniak, Weeks, Gire, Hart, Niederstadt, Porreca, Barns, Joe Young, Jr.,
DeBeaussaert, Wallace, Kosteva, DeMars, Dolan and London

ENROLLED HOUSE BILL No. 5005

AN ACT to amend sections 2804 and 2844a of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," section 2804 as amended by Act No. 20 of the Public Acts of 1985 and section 2844a as added by Act No. 418 of the Public Acts of 1980, being sections 333.2804 and 333.2844a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 2804 and 2844a of Act No. 368 of the Public Acts of 1978, section 2804 as amended by Act No. 20 of the Public Acts of 1985 and section 2844a as added by Act No. 418 of the Public Acts of 1980, being sections 333.2804 and 333.2844a of the Michigan Compiled Laws, are amended to read as follows:

Sec. 2804. (1) "Institution" means a public or private establishment which provides inpatient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care to 2 or more unrelated individuals, including an establishment to which individuals are committed by law.

(2) "Law enforcement agency" means a police agency of a city, village, or township; a sheriff's department; the department of state police; and any other governmental law enforcement agency.

(3) "Live birth" means a term defined by departmental rule which shall conform as closely as possible to the definition of live birth recommended by the federal agency responsible for vital statistics.

(4) "Local registrar" means the county clerk or the clerk's deputy, or in the case of a city having a population of 40,000 or more, the city clerk or city department designated by the governing body of the city; or a registrar appointed pursuant to section 2814. Population shall be determined according to the latest federal decennial census.

(5) "Registration" means the acceptance by the state registrar and the incorporation of certificates provided for in this part into the official vital records.

Sec. 2844a. (1) In deaths investigated by the county medical examiner or deputy county medical examiner where he or she is not able to establish the identity of the dead body by visual means, fingerprints, or other identifying data, the county medical examiner or deputy county medical examiner may have a qualified dentist, as determined by the county medical examiner or deputy county medical examiner, carry out a dental examination of the dead body. If the county medical examiner or deputy county medical examiner, with the aid of the dental examination and other identifying findings, is still not able to establish the identity of the dead body, the county medical examiner or deputy county medical examiner shall forward the dental examination records to the appropriate law enforcement agency. The law enforcement agency shall enter the information from the dental examination records into the national crime information center pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws.

(2) If a person reported missing has not been found within 30 days, the law enforcement agency conducting the investigation for the missing person shall request the family or next of kin of the missing person to give them written consent to contact and request from the dentist of the missing person the person's dental records. The information from the dental records of the missing person shall be entered into the national crime information center by the law enforcement agency pursuant to section 8 of Act No. 319 of the Public Acts of 1968.

(3) If a person reported missing has been found, the law enforcement agency that entered the information under subsection (2) shall cancel the information.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.