

HOUSE BILL No. 4330

February 27, 2013, Introduced by Rep. Kurtz and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2843 (MCL 333.2843), as amended by 2002 PA 691.

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 authorized
3 agent, shall report the death. For purposes of this subsection,
4 "dead body" includes, but is not limited to, the body of an infant
5 who survived an attempted abortion as described in the born alive
6 infant protection act and who later died. The funeral director or
7 the authorized agent shall obtain the necessary personal data from
8 the next of kin or the best qualified individual or source
9 available and shall obtain medical certification as follows:

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

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

26 (2) ~~The~~ **A PHYSICIAN DESCRIBED IN SUBSECTION (1) (A) SHALL**
27 **PROVIDE THE** medical certification ~~shall be provided not later than~~

1 **DESCRIBED IN SUBSECTION (1) (A) WITHIN** 48 hours after the death. ~~by~~
2 ~~the physician, as described in subsection (1) (a).~~

3 (3) A death record shall be certified by a funeral director
4 **WHO IS** licensed under article 18 of the occupational code, 1980 PA
5 299, MCL 339.1801 to 339.1812, **OR BY AN INDIVIDUAL WHO HOLDS A**
6 **LIMITED LICENSE UNDER SECTION 1806A OF THAT ACT, MCL 339.1806A,** and
7 shall be filed with the local registrar of the district where the
8 death occurred ~~not later than~~ **WITHIN** 72 hours after the death.

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

- 19 (a) The name of the mother or father.
20 (b) The address of the mother or father.
21 (c) The name of the informant.
22 (d) The address of the informant.

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. ____ or House Bill No. 4303 (request no.
25 01612'13) of the 97th Legislature is enacted into law.