

**SUBSTITUTE FOR
HOUSE BILL NO. 5289**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2882 and 2891 (MCL 333.2882 and 333.2891),
section 2882 as amended by 2002 PA 691 and section 2891 as amended
by 2019 PA 89.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2882. (1) Except as otherwise provided in section 2890,
2 ~~upon~~ **on receipt of a** written request and payment of the prescribed
3 fee, **if any**, the state registrar or local registrar shall issue the
4 appropriate 1 of the following:

5 (a) A certified copy of a live birth record, an affidavit of
6 parentage filed after June 1, 1997, or a **certificate or other**
7 record of stillbirth filed after June 1, 2003 to 1 of the



1 following:

2 (i) The individual who is the subject of the record.

3 (ii) A parent named in the record.

4 (iii) An heir, a legal representative, or a legal guardian of
5 the individual who is the subject of the record.

6 (iv) A court of competent jurisdiction.

7 (b) If the live birth record is 100 or more years old, a
8 certified copy of the live birth record to any applicant.

9 (c) A certified copy of a death record, including the cause of
10 death, to any applicant.

11 (d) A certified copy of a marriage or divorce record to any
12 applicant, except as provided by rule.

13 (e) A certified copy of a fetal death record that was filed
14 before September 30, 1978, to any applicant.

15 (2) ~~Upon~~ **On receipt of a** written request of an adult who has
16 been adopted and payment of the prescribed fee, the state registrar
17 shall issue to that individual a copy of his or her original
18 certificate of live birth, if the written request identifies the
19 name of the adult adoptee and is accompanied by a copy of a central
20 adoption registry clearance reply form that was completed by the
21 ~~family independence agency~~ **department** and delivered to that
22 individual as required ~~by~~ **under** section 68(9) of the Michigan
23 adoption code, chapter X of the probate code of 1939, 1939 PA 288,
24 MCL 710.68.

25 (3) ~~Upon~~ **On receipt of a** written request of a confidential
26 intermediary appointed under section 68b of the Michigan adoption
27 code, chapter X of the probate code of 1939, 1939 PA 288, MCL
28 710.68b, presentation of a certified copy of the order of
29 appointment, identification of the name of the adult adoptee, and



1 payment of the required fee, the state registrar shall issue to the
2 confidential intermediary a copy of the original certificate of
3 live birth of the adult adoptee on whose behalf the intermediary
4 was appointed.

5 (4) A copy of the original certificate of live birth provided
6 under subsection (2) or (3) ~~shall~~**must** have the following phrase
7 marked on the face of the copy: "This document is a copy of a
8 sealed record and is not the active birth certificate of the
9 individual whose name appears on this document".

10 Sec. 2891. (1) The state registrar or a local registrar shall,
11 on receipt of a written request and payment of the prescribed fee,
12 conduct a search for a vital record for an individual who purports
13 to be eligible under section 2882 or for an agency under section
14 2883(2) to receive a certified copy, administrative use copy, or a
15 statistical use copy of the requested vital record.

16 (2) If a search for a vital record is conducted by the state
17 registrar and the vital record cannot be located, the state
18 registrar shall issue an official statement that the vital record
19 could not be located instead of a certified copy or an
20 administrative use copy of the vital record. If a search for a
21 vital record is conducted by a local registrar and the vital record
22 cannot be located, the local registrar is not required to issue an
23 official statement as described in this subsection, and the local
24 registrar may waive the prescribed fee.

25 (3) The state registrar or a local registrar may require an
26 applicant who requests a certified copy, an administrative use
27 copy, or a statistical use copy of a vital record to provide
28 verification of his or her identity before releasing the vital
29 record if eligibility for the vital record is restricted under



1 section 2882.

2 (4) Subject to subsection (8), ~~or~~(19), **or (20)**, the fees for
3 a search for a vital record are as follows:

- 4 (a) A search including 1 certified copy, 1
5 administrative use copy, or 1 statistical use copy
6 of a vital record or an official statement issued by
7 the state registrar that a vital record could not be
8 located..... \$34.00
- 9 (b) Additional identical copies ordered at the
10 same time..... \$16.00 per copy
- 11 (c) Additional years searched..... \$12.00 per year
- 12 (d) An authenticated copy..... \$42.00
- 13 (e) Additional authenticated copies ordered at
14 the same time..... \$26.00 per copy
- 15 (f) Verification of facts delineated in section
16 2881(2)..... \$18.00
- 17 (g) Except as otherwise provided in subdivision
18 (h), a request for an expedited search for a vital
19 record under this subsection..... \$12.00
- 20 (h) A request for an expedited search for an
21 authenticated copy of a vital record under
22 subdivision (d)..... \$25.00
- 23 (5) The fees for establishment or registration of a vital
24 record are as follows:
- 25 (a) Application for establishment of a delayed
26 certificate of birth or death that includes 1
27 certified copy or an official denial of the
28 application..... \$50.00



1 (b) Registration of a delayed certificate of
2 birth for a foreign born adopted child that includes
3 1 certified copy..... \$50.00

4 (6) On receipt of a formal application of a soldier; sailor;
5 marine; member of the United States Coast Guard; nurse; member of a
6 women's auxiliary; or other individual who is entitled to a bonus,
7 a pension, or other compensation under a law of this state, the
8 United States, or another state or territory of the United States
9 or a service auxiliary for a vital record for the purpose of
10 obtaining the bonus, pension, or compensation, the state registrar
11 shall furnish 1 certified copy of the vital record requested
12 without charge. If the individual who is entitled to the vital
13 record is deceased or mentally incompetent, the state registrar may
14 furnish the copy to an heir, guardian, or legal representative of
15 the individual. The state registrar shall label a certified copy
16 furnished under this subsection with the following statement: "for
17 veteran's benefits only, not for personal use".

18 (7) On receipt of a formal application, the state registrar or
19 a local registrar shall furnish a certified copy of a vital record
20 without charge to a licensed child placing agency representing a
21 child for adoption purposes. The state registrar or local registrar
22 shall label a certified copy provided under this subsection with
23 the following statement: "for adoption purposes only, not for
24 personal use".

25 (8) On receipt of a formal application, the state registrar
26 shall charge an individual who is 65 years of age or older a fee of
27 \$14.00 for a search for and 1 certified copy of his or her birth
28 record.

29 (9) The state registrar shall charge the following fees for



1 the creation of new vital records and corrections of vital records:

2 (a) Application to create a new certificate of
3 birth following an adoption; legal change of name
4 for minors; acknowledgement of paternity; sex
5 change; legitimation; order of filiation; or a
6 request to replace a court filed certificate of
7 adoption..... \$50.00

8 (b) Subject to subsection (10), application
9 received within 1 year of the date of the event to
10 create a new certificate of birth or death to
11 correct obvious minor errors and
12 omissions..... \$50.00

13 (c) An application with a request for an
14 expedited creation of a new certificate under this
15 subsection..... \$25.00

16 (10) The errors and omissions that may be corrected under
17 subsection (9) (b) are limited to the following:

18 (a) The addition of a given first or middle name if a name was
19 not recorded at the time of filing.

20 (b) A change to a Social Security number.

21 (c) The addition of information originally specified as
22 unknown or that was omitted by error.

23 (d) A minor spelling change.

24 (11) The state registrar shall charge a fee of \$50.00 for an
25 application to amend birth and death records more than 1 year after
26 the date of the event for the purpose of adding information or
27 correcting an error in information recorded on the document. The
28 state registrar shall charge a fee of \$25.00 for an application
29 with a request for an expedited amendment to a birth or death



1 record under this subsection.

2 (12) The state registrar shall not charge a fee for any of the
3 following:

4 (a) Changing a vital record to correct an error made within
5 the office of a local registrar or the state registrar.

6 (b) Correcting an error if the correction is initiated by the
7 state registrar.

8 (c) Correcting a vital record if the correction is requested
9 by a county medical examiner for a case within his or her
10 jurisdiction.

11 (d) Correcting a record if the correction is ordered by a
12 court of competent jurisdiction following denial by the department
13 of an application to make the correction.

14 (e) Correcting a vital record if the correction is requested
15 by a public agency that is the guardian of the individual to whom
16 the vital record pertains.

17 (13) The state registrar shall charge a fee of \$50.00 for an
18 application to amend a birth record regarding a documented legal
19 change of name for an adult. The state registrar shall charge a fee
20 of \$25.00 for an application with a request for an expedited
21 amendment to a birth record under this subsection.

22 (14) The state registrar or a local registrar with approval of
23 the state registrar may charge a reasonable fee to cover the costs
24 of special services performed under section 2883, 2884, or 2888.

25 (15) A local registrar shall deposit fees collected under this
26 section as the governing body of the city or county directs. The
27 state registrar shall transmit fees collected under this section to
28 the state treasurer for deposit into the vital records fund created
29 in section 2892.



1 (16) The state registrar shall charge a fee of \$12.00 for an
2 application for a copy or a certified copy of a vital records-
3 related document, including, but not limited to, a completed
4 application submitted under this section or a document submitted
5 under this section to support a requested change to a vital record.

6 (17) The state registrar or a local registrar shall not charge
7 a fee other than a fee prescribed in this section. However, a local
8 governmental unit may adopt a system of fees for local registrars
9 under the jurisdiction of the local governmental unit for a search
10 that provides for fees less than those set forth in this section,
11 and a charter county with a population of more than 2,000,000 may
12 adopt a system of fees for a local registrar under the jurisdiction
13 of that charter county that provides for fees more than those set
14 forth in this section. However, a charter county shall not impose a
15 fee that is greater than the cost of the service for which the fee
16 is charged.

17 (18) For searches under subsection (4), a local registrar
18 shall charge fees according to the following:

19 (a) The governing body of a local governmental unit that has
20 jurisdiction over a local registrar may adopt a system of fees for
21 the local registrar that provides for fees less than or equal to
22 the fees set forth in subsection (4). These fees must only be used
23 for the maintenance and sustenance of the vital records fees
24 program, to alleviate any burden to the taxpayers to provide this
25 worthwhile program. A charter county with a population of more than
26 2,000,000 may adopt a system of fees for a local registrar under
27 the jurisdiction of that charter county that provides for fees that
28 are more than the fees set forth in subsection (4). A charter
29 county shall not impose a fee that is greater than the cost of the



1 service for which the fee is charged. A system of fees adopted
2 under this subdivision must be used by all local registrars under
3 the jurisdiction of the local governmental unit and must be
4 reasonably related to the cost incurred by the local registrar in
5 making the search.

6 (b) If a system of fees is not adopted by a local registrar's
7 local governmental unit under subdivision (a), the local registrar
8 shall not charge a fee other than a fee prescribed in subsection
9 (4).

10 (19) On receipt of a formal application, the state registrar
11 shall conduct a search for and furnish to an individual 1 certified
12 copy of the individual's vital record, without charge, if the
13 individual presents all of the following to the state registrar:

14 (a) A homeless verification letter that states that the
15 individual meets the definition of category 1 homeless as that term
16 is defined by the United States Department of Housing and Urban
17 Development. A verification letter provided under this subdivision
18 must be submitted on the official letterhead of a public service
19 agency. The department may verify the information contained in the
20 letter with the agency of issuance before issuing a certified copy
21 of the vital record.

22 (b) A photo identification card for the individual that is
23 generated from the United States Department of Housing and Urban
24 Development homeless management information system.

25 (c) Any information required by the state registrar under
26 subsection (3).

27 **(20) The state registrar shall not charge a fee under**
28 **subsection (4) for a search and not more than 2 certified copies or**
29 **authenticated copies of a certificate or other record of stillbirth**



1 described in section 2882(1)(a).

