

Act No. 209
Public Acts of 2020
Approved by the Governor
October 15, 2020
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**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Alexander, Whiteford, Markkanen, Miller, Green, Wakeman, Wozniak,
Eisen, LaGrand and Meerman

ENROLLED HOUSE BILL No. 5289

AN ACT to amend 1978 PA 368, entitled “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 provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; 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 the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; 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,” 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 2020 PA 53.

The People of the State of Michigan enact:

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

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

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

(ii) A parent named in the record.

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

(iv) A court of competent jurisdiction.

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

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

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

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

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

(3) On receipt of a written request of a confidential intermediary appointed under section 68b of the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.68b, presentation of a certified copy of the order of appointment, identification of the name of the adult adoptee, and payment of the required fee, the state registrar shall issue to the confidential intermediary a copy of the original certificate of live birth of the adult adoptee on whose behalf the intermediary was appointed.

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

Sec. 2891. (1) The state registrar or a local registrar shall, on receipt of a written request and payment of the prescribed fee, conduct a search for a vital record for an individual who purports to be eligible under section 2882 or for an agency under section 2883(2) to receive a certified copy, administrative use copy, or a statistical use copy of the requested vital record. However, if a local registrar receives a written request and payment of the fee charged by the local registrar under this section from an individual who purports to be eligible under section 2882 to receive a certified copy of an allowable individual's birth record, the local registrar shall notify the state registrar. On receipt of the notification, the state registrar shall conduct a search for the allowable individual's birth record within 24 hours and shall do 1 of the following, as applicable:

(a) If the local registrar has access to the central issuance system, electronically transmit the allowable individual's birth record to the local registrar. If the local registrar does not have access to the central issuance system, mail a copy of the allowable individual's birth record to the local registrar. This subdivision does not apply to a request for a birth record described in section 2882(2) or (3). As used in this subdivision, "central issuance system" means the database maintained by the state registrar from which a state certified copy of a birth record may be issued.

(b) If the allowable individual's birth record cannot be located after conducting the search for the record, notify the local registrar of that fact.

(2) Except as otherwise provided in subsection (1)(b), if a search for a vital record is conducted by the state registrar and the vital record cannot be located, the state registrar shall issue an official statement that the vital record could not be located instead of a certified copy or an administrative use copy of the vital record. If a search for a vital record is conducted by a local registrar and the vital record cannot be located, the local registrar may issue an official statement as described in this subsection, and the local registrar may waive the prescribed fee.

(3) The state registrar or a local registrar may require an applicant who requests a certified copy, an administrative use copy, or a statistical use copy of a vital record to provide verification of his or her identity before releasing the vital record if eligibility for the vital record is restricted under section 2882.

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

- (a) A search including 1 certified copy, 1 administrative use copy, or 1 statistical use copy of a vital record or an official statement issued by the state registrar that a vital record could not be located..... \$34.00
- (b) Additional identical copies ordered at the same time..... \$16.00 per copy
- (c) Additional years searched..... \$12.00 per year
- (d) An authenticated copy..... \$42.00
- (e) Additional authenticated copies ordered at the same time..... \$26.00 per copy
- (f) Verification of facts delineated in section 2881(2)..... \$18.00
- (g) Except as otherwise provided in subdivision (h), a request for an expedited search for a vital record under this subsection..... \$12.00
- (h) A request for an expedited search for an authenticated copy of a vital record under subdivision (d)..... \$25.00

(5) The fees for establishment or registration of a vital record are as follows:

- (a) Application for establishment of a delayed certificate of birth or death that includes 1 certified copy or an official denial of the application..... \$50.00
- (b) Registration of a delayed certificate of birth for a foreign born adopted child that includes 1 certified copy..... \$50.00

(6) On receipt of a formal application of a soldier; sailor; marine; member of the United States Coast Guard; nurse; member of a women's auxiliary; or other individual who is entitled to a bonus, a pension, or other

compensation under a law of this state, the United States, or another state or territory of the United States or a service auxiliary for a vital record for the purpose of obtaining the bonus, pension, or compensation, the state registrar shall furnish 1 certified copy of the vital record requested without charge. If the individual who is entitled to the vital record is deceased or mentally incompetent, the state registrar may furnish the copy to an heir, guardian, or legal representative of the individual. The state registrar shall label a certified copy furnished under this subsection with the following statement: "for veteran's benefits only, not for personal use".

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

(8) The state registrar shall comply with all of the following:

(a) Subject to subdivision (b), upon formal application, charge an individual who is 65 years of age or older a fee of \$14.00 for a search for and 1 certified copy of his or her birth record.

(b) If the state registrar receives notice from a local registrar under subsection (1), conduct the search and provide the birth record or notification as provided in that subsection without charge to the local registrar or the individual requesting the record.

(9) The state registrar shall charge the following fees for the creation of new vital records and corrections of vital records:

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

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

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

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

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

(b) A change to a Social Security number.

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

(d) A minor spelling change.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The governing body of a local governmental unit that has jurisdiction over a local registrar may adopt a system of fees for the local registrar that provides for fees less than or equal to the fees set forth in subsection (4). These fees must only be used for the maintenance and sustenance of the vital records fees program, to alleviate any burden to the taxpayers to provide this worthwhile program. A charter county with a population of more than 2,000,000 may adopt a system of fees for a local registrar under the jurisdiction of that charter county that provides for fees that are more than the fees set forth in subsection (4). A charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged. A system of fees adopted under this subdivision must be used by all local registrars under the jurisdiction of the local governmental unit and must be reasonably related to the cost incurred by the local registrar in making the search.

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

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

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

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

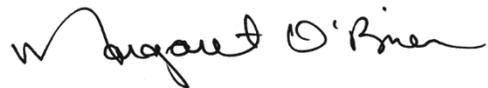
(c) Any information required by the state registrar under subsection (3).

(20) The state registrar shall not charge a fee under subsection (4) for a search and not more than 2 certified copies or authenticated copies of a certificate or other record of stillbirth described in section 2882(1)(a).

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor