

HOUSE BILL NO. 5208

October 24, 2023, Introduced by Reps. Morse, Steckloff, Morgan, Conlin and O'Neal and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2822, 2824, 2831, 2832, and 2891 (MCL 333.2822, 333.2824, 333.2831, 333.2832, and 333.2891), section 2822 as amended by 2017 PA 142, sections 2824, 2831, and 2832 as amended by 1996 PA 307, and section 2891 as amended by 2020 PA 209.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) If a live birth occurs in an institution or enroute to an
4 institution, the individual in charge of the institution or ~~his or~~

1 ~~her~~**that individual's** designated representative shall obtain the
2 personal data, prepare the certificate of birth, secure the
3 signatures required by the certificate of birth, and file the
4 certificate of birth with the local registrar or as otherwise
5 directed by the state registrar within 5 days after the birth. The
6 physician or other individual in attendance shall provide the
7 medical information required by the certificate of birth and
8 certify to the facts of birth not later than 72 hours after the
9 birth. If the physician or other individual does not certify to the
10 facts of birth within 72 hours, the individual in charge of the
11 institution or ~~his or her~~**the individual's** authorized
12 representative shall complete and certify the facts of birth.

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

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

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

21 (iii) ~~The father, the mother,~~**A parent**, or, in the absence of
22 ~~the father and the inability of the mother,~~**a parent**, the
23 individual in charge of the premises where the live birth occurs.

24 (c) If a newborn is surrendered under the safe delivery of
25 newborns law, chapter XII of the probate code of 1939, 1939 PA 288,
26 MCL 712.1 to 712.20, the live birth ~~shall~~**must** be reported in the
27 same manner as provided in subdivision (a), except that the parents
28 ~~shall~~**must** be listed as "unknown" and the newborn ~~shall~~**must** be
29 listed as "Baby Doe".

1 (d) If a live birth occurs during an attempted abortion and
2 the mother of the newborn has expressed a desire not to assume
3 custody and responsibility for the newborn by refusing to authorize
4 necessary life-sustaining medical treatment, the live birth ~~shall~~
5 **must** be reported as follows:

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

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

15 (2) As used in this section, "surrender" means that term as
16 defined in section 1 of the safe delivery of newborns law, chapter
17 XII of the probate code of 1939, 1939 PA 288, MCL 712.1.

18 Sec. 2824. (1) ~~The~~**Except as otherwise provided by law, the**
19 name of the ~~husband~~**spouse** at the time of conception or, if none,
20 the ~~husband~~**spouse** at birth ~~shall~~**must** be registered as the ~~father~~
21 **other parent** of the child. The surname of the child ~~shall~~**must** be
22 registered as designated by the child's parents.

23 (2) ~~If~~**Except as otherwise provided by law, if** the child's
24 mother was not married at the time of conception or birth, the name
25 of the ~~father~~**shall** ~~other parent~~ **must** not be entered on the
26 certificate of birth without the written consent of the mother and
27 without the completion, and filing with the state registrar, of an
28 acknowledgment of parentage by the mother and the individual to be
29 named as the ~~father~~**other parent**. The acknowledgment of parentage

1 ~~shall~~**must** be completed in the manner provided in the
2 acknowledgment of parentage act. For a certificate of birth
3 completed under this subsection and ~~upon~~**on** the written request of
4 both parents, the surname of the child ~~shall~~**must** be designated by
5 the child's parents.

6 (3) If the name of the child's ~~father~~**other parent** cannot be
7 shown under subsection (1) or (2), the child ~~shall~~**must** be given
8 the surname designated by the mother.

9 (4) If the ~~paternity~~**parentage** of a child is determined by a
10 court of competent jurisdiction, the name of ~~the father~~**shall a**
11 **parent must** be entered on the certificate of birth as found and
12 ordered by the court. The surname of the child ~~shall~~**must** be
13 entered on the certificate of birth as designated by the child's
14 mother.

15 (5) If the child's ~~father~~**other parent** is not named on the
16 birth registration, no other information about the ~~father~~**shall**
17 **other parent may** be entered on the registration.

18 ~~(6) A child conceived by a married woman with consent of her~~
19 ~~husband following the utilization of assisted reproductive~~
20 ~~technology is considered to be the legitimate child of the husband~~
21 ~~and wife.~~

22 **(6)** ~~(7)~~After May 30, 1979, a birth certificate ~~shall~~**must** not
23 contain a reference to the legitimacy or illegitimacy of a child.

24 Sec. 2831. The state registrar shall establish a new
25 certificate of birth for an individual born in this state when the
26 registrar receives the following:

27 (a) A report of adoption as provided in section 2829, a report
28 of adoption prepared and filed under the laws of another state or
29 foreign country, or a certified copy of the adoption order,

1 together with the information necessary to identify the original
 2 certificate of birth and to establish a new certificate of live
 3 birth. However, **the state registrar shall not establish** a new
 4 certificate of live birth ~~shall not be established~~ if so requested
 5 by the court ordering the adoption; the adopting parent; or the
 6 adoptee, if the adoptee is an adult.

7 (b) A request that a new certificate be established and the
 8 evidence required by the department proving that the individual's
 9 ~~paternity~~ **parentage** has been established.

10 (c) A request that a new certificate be established to show a
 11 sex designation other than that designated at birth. The request
 12 ~~shall~~ **must** be accompanied by an affidavit of a physician certifying
 13 that sex-reassignment surgery has been performed.

14 (d) **A judgment or a parentage judgment under section 203 or**
 15 **308 of the assisted reproduction and surrogacy parentage act,**
 16 **together with the information necessary to identify the original**
 17 **certificate of birth and to establish a new certificate of live**
 18 **birth.**

19 Sec. 2832. (1) When a new certificate of live birth is
 20 established, the actual place and date of birth ~~shall~~ **must** be
 21 shown. The new certificate ~~shall~~ **must** be substituted for the
 22 original certificate of live birth. Thereafter, the original
 23 certificate and the evidence of adoption, ~~or~~ sex designation, **or**
 24 **assisted reproduction or surrogacy under the assisted reproduction**
 25 **and surrogacy parentage act** are not subject to inspection except as
 26 otherwise provided in section 2882(2) or (3) or ~~upon~~ **on** a court
 27 order. Evidence in support of other birth record changes is subject
 28 to inspection as provided in sections 2882 and 2883.

29 (2) ~~Upon~~ **On the** receipt of notice of annulment of adoption or

1 a copy of an order of rescission, the original certificate of live
2 birth ~~shall~~**must** be restored to its place in the files. The
3 certificate created under subsection (1) is not subject to
4 inspection except ~~upon~~**on** a court order.

5 (3) If a certificate of live birth is not on file for the
6 individual for whom a new live birth certificate is to be
7 established under section 2831, a new live birth certificate may be
8 prepared on the delayed birth certificate form in use at the time
9 of **the** adoption, legitimation, ~~or paternity~~**parentage**
10 **determination, or judgment or parentage judgment under section 203**
11 **or 308 of the assisted reproduction and surrogacy parentage act.**

12 (4) When a new certificate of live birth is established by the
13 state registrar, all copies of the original certificate of birth in
14 the custody of a custodian of permanent records in this state ~~shall~~
15 **must** be sealed from inspection or forwarded to the state registrar,
16 as the state registrar directs.

17 Sec. 2891. (1) The state registrar or a local registrar shall,
18 on receipt of a written request and payment of the prescribed fee,
19 conduct a search for a vital record for an individual who purports
20 to be eligible under section 2882 or for an agency under section
21 2883(2) to receive a certified copy, administrative use copy, or a
22 statistical use copy of the requested vital record. However, if a
23 local registrar receives a written request and payment of the fee
24 charged by the local registrar under this section from an
25 individual who purports to be eligible under section 2882 to
26 receive a certified copy of an allowable individual's birth record,
27 the local registrar shall notify the state registrar. On receipt of
28 the notification, the state registrar shall conduct a search for
29 the allowable individual's birth record within 24 hours and shall

1 do 1 of the following, as applicable:

2 (a) If the local registrar has access to the central issuance
3 system, electronically transmit the allowable individual's birth
4 record to the local registrar. If the local registrar does not have
5 access to the central issuance system, mail a copy of the allowable
6 individual's birth record to the local registrar. This subdivision
7 does not apply to a request for a birth record described in section
8 2882(2) or (3). As used in this subdivision, "central issuance
9 system" means the database maintained by the state registrar from
10 which a state certified copy of a birth record may be issued.

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

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

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

29 (4) Subject to subsection (8), (19), **or** (20), the fees for a

1 search for a vital record are as follows:

2 (a) A search including 1 certified copy, 1
3 administrative use copy, or 1 statistical use copy
4 of a vital record or an official statement issued by
5 the state registrar that a vital record could not be
6 located..... \$34.00

7 (b) Additional identical copies ordered at the
8 same time..... \$16.00 per copy

9 (c) Additional years searched..... \$12.00 per year

10 (d) An authenticated copy..... \$42.00

11 (e) Additional authenticated copies ordered at
12 the same time..... \$26.00 per copy

13 (f) Verification of facts delineated in section
14 2881(2)..... \$18.00

15 (g) Except as otherwise provided in subdivision

16 (h), a request for an expedited search for a vital
17 record under this subsection..... \$12.00

18 (h) A request for an expedited search for an
19 authenticated copy of a vital record under
20 subdivision (d)..... \$25.00

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

23 (a) Application for establishment of a delayed
24 certificate of birth or death that includes 1
25 certified copy or an official denial of the
26 application..... \$50.00

27 (b) Registration of a delayed certificate of
28 birth for a foreign born adopted child that includes
29 1 certified copy..... \$50.00

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

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

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

24 (a) Subject to subdivision (b), ~~upon~~**on** formal application,
25 charge an individual who is 65 years of age or older a fee of
26 \$14.00 for a search for and 1 certified copy of ~~his or her~~**the**
27 **individual's** birth record.

28 (b) If the state registrar receives notice from a local
29 registrar under subsection (1), conduct the search and provide the

1 birth record or notification as provided in that subsection without
2 charge to the local registrar or the individual requesting the
3 record.

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

6 (a) Application to create a new certificate of
7 birth following an adoption; legal change of name
8 for minors; acknowledgement of ~~paternity;~~ **parentage;**
9 sex change; legitimation; order of filiation; **a**
10 **judgment or parentage judgment under the assisted**
11 **reproduction and surrogacy parentage act;** or a
12 request to replace a court filed certificate of
13 adoption..... \$50.00

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

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

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

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

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

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

29 (d) A minor spelling change.

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

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

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

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

14 (c) Correcting a vital record if the correction is requested
15 by a county medical examiner for a case within ~~his or her~~ **the**
16 **county medical examiner's** jurisdiction.

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

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

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

28 (14) The state registrar or a local registrar with approval of
29 the state registrar may charge a reasonable fee to cover the costs

1 of special services performed under section 2883, 2884, or 2888.

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

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

12 (17) The state registrar or a local registrar shall not charge
13 a fee other than a fee prescribed in this section. However, a local
14 governmental unit may adopt a system of fees for local registrars
15 under the jurisdiction of the local governmental unit for a search
16 that provides for fees less than those set forth in this section,
17 and a charter county with a population of more than ~~2,000,000~~
18 **1,500,000** may adopt a system of fees for a local registrar under
19 the jurisdiction of that charter county that provides for fees more
20 than those set forth in this section. However, a charter county
21 shall not impose a fee that is greater than the cost of the service
22 for which the fee is charged.

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

25 (a) The governing body of a local governmental unit that has
26 jurisdiction over a local registrar may adopt a system of fees for
27 the local registrar that provides for fees less than or equal to
28 the fees set forth in subsection (4). These fees must only be used
29 for the maintenance and sustenance of the vital records fees

1 program, to alleviate any burden to the taxpayers to provide this
2 worthwhile program. A charter county with a population of more than
3 ~~2,000,000~~ **1,500,000** may adopt a system of fees for a local
4 registrar under the jurisdiction of that charter county that
5 provides for fees that are more than the fees set forth in
6 subsection (4). A charter county shall not impose a fee that is
7 greater than the cost of the service for which the fee is charged.
8 A system of fees adopted under this subdivision must be used by all
9 local registrars under the jurisdiction of the local governmental
10 unit and must be reasonably related to the cost incurred by the
11 local registrar in making the search.

12 (b) If a system of fees is not adopted by a local registrar's
13 local governmental unit under subdivision (a), the local registrar
14 shall not charge a fee other than a fee prescribed in subsection
15 (4).

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

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

28 (b) A photo identification card for the individual that is
29 generated from the United States Department of Housing and Urban

1 Development homeless management information system.

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

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

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect
11 unless Senate Bill No. _____ or House Bill No. 5207 (request no.
12 03362'23 *) of the 102nd Legislature is enacted into law.