

HOUSE BILL No. 5998

May 2, 2002, Introduced by Reps. Bovin, Patterson, Birkholz, Richardville, Kuipers, Hummel, Jelinek, Vander Veen, Pappageorge, Palmer, Vear and Meyer and referred to the Committee on Family and Children Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2822 and 2843 (MCL 333.2822 and 333.2843).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2822. (1) The following ~~persons~~ INDIVIDUALS shall
2 report a live birth ~~which~~ THAT occurs in this state:

3 (a) ~~when~~ IF a live birth occurs in an institution or
4 enroute ~~thereto~~ TO AN INSTITUTION, the individual in charge of
5 the institution or his or her designated representative shall
6 obtain the personal data, prepare the certificate OF BIRTH,
7 secure the signatures required by the certificate OF BIRTH, and
8 file the certificate OF BIRTH with the local registrar or as oth-
9 erwise directed by the state registrar within 5 days after the
10 birth. The physician or other individual in attendance shall
11 provide the medical information required by the certificate OF

HOUSE BILL No. 5998

HB5998, As Passed House, May 22, 2002

2

1 BIRTH and certify to the facts of birth not later than 72 hours
2 after the birth. If the physician or other individual does not
3 certify to the facts of birth within 72 hours, the individual in
4 charge of the institution shall complete and sign the
5 certification.

6 (b) ~~when~~ IF a live birth occurs outside an institution,
7 the record shall be prepared, certified, and filed with the local
8 registrar by 1 of the following individuals in the ~~indicated~~
9 FOLLOWING order of priority:

10 (i) The physician in attendance at or immediately after the
11 live birth.

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

14 (iii) The father, the mother, or, in the absence of the
15 father and the inability of the mother, the individual in charge
16 of the premises where the live birth occurs.

17 (C) IF A LIVE BIRTH OCCURS DURING AN ATTEMPTED ABORTION AND
18 THE MOTHER OF THE NEWBORN HAS EXPRESSED A DESIRE NOT TO ASSUME
19 CUSTODY AND RESPONSIBILITY FOR THE NEWBORN BY REFUSING TO AUTHO-
20 RIZE NECESSARY LIFE-SUSTAINING MEDICAL TREATMENT, THE LIVE BIRTH
21 SHALL BE REPORTED AS FOLLOWS:

22 (i) IF THE ATTEMPTED ABORTION TOOK PLACE IN AN INSTITUTION,
23 THE LIVE BIRTH SHALL BE REPORTED IN THE SAME MANNER AS PROVIDED
24 IN SUBDIVISION (A), EXCEPT THAT THE PARENTS SHALL BE LISTED AS
25 "UNKNOWN".

26 (ii) IF THE ATTEMPTED ABORTION TOOK PLACE OUTSIDE AN
27 INSTITUTION, THE LIVE BIRTH SHALL BE REPORTED IN THE SAME MANNER

HB5998, As Passed House, May 22, 2002

HB 5998 as amended May 22, 2002

3

1 AS PROVIDED IN SUBDIVISION (B), EXCEPT THAT THE PARENTS SHALL BE
2 LISTED AS "UNKNOWN".

3 (2) AS USED IN THIS SECTION, "ABORTION" MEANS THAT TERM AS
4 DEFINED IN SECTION 17015.

5 Sec. 2843. (1) A funeral director or his or her authorized
6 agent who first assumes custody of a dead body shall report the
7 death. FOR PURPOSES OF THIS SUBSECTION, "DEAD BODY" INCLUDES,
8 BUT IS NOT LIMITED TO, THE BODY OF AN INFANT WHO SURVIVED AN
9 ATTEMPTED ABORTION [AS DESCRIBED IN THE BORN ALIVE INFANT PROTECTION ACT
AND WHO LATER DIED.] The funeral director
10 or the authorized agent shall obtain the necessary personal data
11 from the next of kin or the best qualified ~~person~~ INDIVIDUAL or
12 source available and shall obtain medical certification as
13 follows:

14 (a) ~~The~~ IF THE DEATH OCCURRED OUTSIDE AN INSTITUTION, THE
15 medical certification shall be completed and signed not later
16 than 48 hours after death by the attending physician; or in the
17 absence of the attending physician, by a physician acting as ~~his~~
18 ~~or her~~ THE ATTENDING PHYSICIAN'S authorized representative; or
19 in the absence of an authorized representative, BY the county
20 medical examiner; or in the absence of the county medical examin-
21 er, BY the county health officer or the deputy county medical
22 examiner. If the death occurred in an institution, the medical
23 certification shall be completed and signed not later than 48
24 hours after death by the attending physician; or in the absence
25 of the attending physician, by a physician acting as ~~his or her~~
26 THE ATTENDING PHYSICIAN'S authorized representative; or in the
27 absence of an authorized representative, by the chief medical

HB5998, As Passed House, May 22, 2002

4

1 officer of the institution in which death occurred, after
2 reviewing pertinent records and making other investigation as
3 considered necessary, or by a pathologist.

4 (b) A physician, as described in subdivision (a), who for
5 himself or herself or as an agent or employee of another ~~person~~
6 INDIVIDUAL neglects or refuses to sign a death certificate prop-
7 erly presented to him or her for signature by a funeral director
8 or who refuses or neglects to furnish information in his or her
9 possession, is guilty of a misdemeanor punishable by imprisonment
10 for not more than 60 days, or a fine of not less than \$25.00 nor
11 more than \$100.00, or both.

12 (2) The medical certification shall be completed and signed
13 not later than 48 hours after the death by the physician, as
14 described in subsection (1)(a).

15 (3) A death record shall be filed with the local registrar
16 of the district where the death occurred not later than 72 hours
17 after the death.

18 Enacting section 1. This amendatory act does not take
19 effect unless Senate Bill No. _____ or House Bill No. 5994
20 (request no. 06805'02 *) of the 91st Legislature is enacted into
21 law.