

SENATE BILL No. 986

February 12, 2004, Introduced by Senators BRATER, GOSCHKA, LELAND, SCHAUER
and HARDIMAN and referred to the Committee on Health Policy.

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
2 of a dead body, either personally or through his or her
3 authorized agent, shall report the death. For purposes of this
4 subsection, "dead body" includes, but is not limited to, the body
5 of an infant who survived an attempted abortion as described in
6 the born alive infant protection act, 2002 PA 687, MCL 333.1071
7 to 333.1073, and who later died. The funeral director or the
8 authorized agent shall obtain the necessary personal data from
9 the next of kin or the best qualified individual or source
10 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
7 representative, by **a certified nurse practitioner or** the county
8 medical examiner; or in the absence of **a certified nurse**
9 **practitioner or** the county medical examiner, by the county health
10 officer or the deputy county medical examiner. If the death
11 occurred in an institution, the medical certification shall be
12 completed and signed not later than 48 hours after death by the
13 attending physician; or in the absence of the attending
14 physician, by a physician acting as the attending physician's
15 authorized representative; or in the absence of an authorized
16 representative, by **a certified nurse practitioner or** the chief
17 medical officer of the institution in which death occurred, after
18 reviewing pertinent records and making other investigation as
19 considered necessary, or by a pathologist.

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

1 (2) The medical certification shall be provided **by the**
2 **physician** not later than 48 hours after the death, ~~by the~~
3 ~~physician~~, as described in subsection (1)(a).

4 (3) A death record shall be certified by a funeral director
5 licensed under article 18 of the occupational code, 1980 PA 299,
6 MCL 339.1801 to 339.1812, and shall be filed with the local
7 registrar of the district where the death occurred not later than
8 72 hours after the death.

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

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