

Act No. 25
Public Acts of 2024
Approved by the Governor
April 1, 2024
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Reps. Morse, Steckloff, Morgan, Conlin and O'Neal

ENROLLED HOUSE BILL No. 5208

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 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:

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

(a) If a live birth occurs in an institution or enroute to an institution, the individual in charge of the institution or that individual's designated representative shall obtain the personal data, prepare the certificate of birth,

secure the signatures required by the certificate of birth, and file the certificate of birth with the local registrar or as otherwise directed by the state registrar within 5 days after the birth. The physician or other individual in attendance shall provide the medical information required by the certificate of birth and certify to the facts of birth not later than 72 hours after the birth. If the physician or other individual does not certify to the facts of birth within 72 hours, the individual in charge of the institution or the individual's authorized representative shall complete and certify the facts of birth.

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

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

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

(iii) A parent, or, in the absence of a parent, the individual in charge of the premises where the live birth occurs.

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

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

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

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

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

Sec. 2824. (1) Except as otherwise provided by law, the name of the spouse at the time of conception or, if none, the spouse at birth must be registered as the other parent of the child. The surname of the child must be registered as designated by the child's parents.

(2) Except as otherwise provided by law, if the child's mother was not married at the time of conception or birth, the name of the other parent must not be entered on the certificate of birth without the written consent of the mother and without the completion, and filing with the state registrar, of an acknowledgment of parentage by the mother and the individual to be named as the other parent. The acknowledgment of parentage must be completed in the manner provided in the acknowledgment of parentage act. For a certificate of birth completed under this subsection and on the written request of both parents, the surname of the child must be designated by the child's parents.

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

(4) If the parentage of a child is determined by a court of competent jurisdiction, the name of a parent must be entered on the certificate of birth as found and ordered by the court. The surname of the child must be entered on the certificate of birth as designated by the child's mother.

(5) If the child's other parent is not named on the birth registration, no other information about the other parent may be entered on the registration.

(6) After May 30, 1979, a birth certificate must not contain a reference to the legitimacy or illegitimacy of a child.

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

(a) A report of adoption as provided in section 2829, a report of adoption prepared and filed under the laws of another state or foreign country, or a certified copy of the adoption order, together with the information necessary to identify the original certificate of birth and to establish a new certificate of live birth. However, the state registrar shall not establish a new certificate of live birth if so requested by the court ordering the adoption; the adopting parent; or the adoptee, if the adoptee is an adult.

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

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

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

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

(2) On the receipt of notice of annulment of adoption or a copy of an order of rescission, the original certificate of live birth must be restored to its place in the files. The certificate created under subsection (1) is not subject to inspection except on a court order.

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

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

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 the applicant's identity before releasing the vital record if eligibility for the vital record is restricted under section 2882.

(4) Subject to subsection (8), (19), or (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), on 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 the individual’s 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 parentage; sex change; legitimation; order of filiation; a judgment or parentage judgment under the assisted reproduction and surrogacy parentage act; 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.

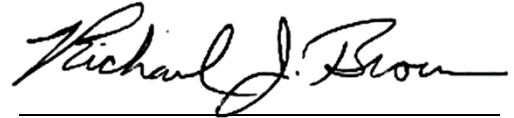
(12) The state registrar shall not charge a fee for any of the following:

- (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 the county medical examiner's 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 1,500,000 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 1,500,000 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).

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

Enacting section 2. This amendatory act does not take effect unless Bill No. 5207 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 5207, referred to in enacting section 2, was filed with the Secretary of State April 1, 2024, and became 2024 PA 24, Eff. (sine die).