

**SUBSTITUTE FOR
HOUSE BILL NO. 5303**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2831 and 2872 (MCL 333.2831 and 333.2872),
section 2831 as amended by 1996 PA 307.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (a) A report of adoption as provided in section 2829, a report
5 of adoption prepared and filed under the laws of another state or
6 foreign country, or a certified copy of the adoption order,
7 together with the information necessary to identify the original
8 certificate of birth and to establish a new certificate of live



1 birth. However, a new certificate of live birth ~~shall~~**must** not be
2 established if so requested by the court ordering the adoption; the
3 adopting parent; or the adoptee, if the adoptee is an adult.

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

7 (c) A request that a new certificate be established to show a
8 sex designation other than that designated at birth. The request
9 ~~shall~~**must** be accompanied by ~~an affidavit of a physician certifying~~
10 ~~that sex-reassignment surgery has been performed.~~**a form approved by**
11 **the director and signed by the individual indicating a sex**
12 **designation of male, female, or "X". If the form is accompanied by**
13 **a court order changing the name of the individual, the new**
14 **certificate must also reflect the new legal name. The state**
15 **registrar may not require any additional document or certification**
16 **other than the form, or, if applicable, the court order, required**
17 **under this subdivision.**

18 Sec. 2872. (1) Upon written request and receipt of an
19 acknowledgment of paternity from the probate court of a child born
20 out of wedlock, the state registrar shall create a new certificate
21 of birth to show paternity. Upon the written request of the
22 parents, the surname of the child ~~shall~~**must** be changed on the
23 certificate to that designated by the parents. The certificate
24 ~~shall~~**must** not be marked "amended". The original certificate of
25 live birth ~~shall~~**must** be sealed in accordance with section 2832.

26 (2) Upon receipt of a certified copy of a court order changing
27 the name of an individual born in this state and upon request of
28 the individual or the individual's parents, guardian, or legal
29 representative, the state registrar shall affix an addendum to the



1 individual's certificate of live birth, which ~~shall~~**must** state the
2 individual's new name and identify the court order. The state
3 registrar shall create a new live birth certificate and seal the
4 original certificate only if the court order changing the
5 individual's name specifically directs the state registrar to do so
6 or if the request relates to a minor whose name is changed pursuant
7 to ~~section 1 of chapter 11 of Act No. 288 of the Public Acts of~~
8 ~~1939, as amended, being section 711.1 of the Michigan Compiled~~
9 ~~Laws~~**under section 1 of chapter XI of the probate code of 1939,**
10 **1939 PA 288, MCL 711.1.**

11 (3) The requirement under subsection (2) that a court order
12 changing the individual's name must include a specific direction to
13 the state registrar for the state registrar to create a new live
14 birth certificate and seal the original certificate does not apply
15 to a new certificate of birth established under section 2831(c).

