

SENATE BILL No. 25

January 19, 2011, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
 "Public health code,"
 by amending sections 2803, 2804, and 2834 (MCL 333.2803, 333.2804,
 and 333.2834), sections 2803 and 2834 as amended by 2002 PA 562 and
 section 2804 as amended by 1990 PA 149.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2803. (1) **"ABORTION" MEANS THAT TERM AS DEFINED IN**
 2 **SECTION 17015.**

3 (2) ~~(1)~~-"Dead body" means a human body or fetus, or a part of
 4 a dead human body or fetus, in a condition from which it may
 5 reasonably be concluded that death has occurred.

6 (3) ~~(2)~~-"Fetal death" means the death of a fetus ~~which~~ **THAT**
 7 has completed at least 20 weeks of gestation or weighs at least 400

1 grams. **FETAL DEATH INCLUDES A STILLBIRTH.** The definition shall
2 conform in all other respects as closely as possible to the
3 definition recommended by the federal agency responsible for vital
4 statistics.

5 (4) **"FETAL REMAINS" MEANS A DEAD FETUS OR PART OF A DEAD FETUS**
6 **THAT HAS COMPLETED AT LEAST 8 WEEKS OF GESTATION OR HAS REACHED THE**
7 **STAGE OF DEVELOPMENT THAT, UPON VISUAL INSPECTION OF THE FETUS OR**
8 **PART OF THE FETUS, THE HEAD, TORSO, OR EXTREMITIES APPEAR TO BE**
9 **SUPPORTED BY SKELETAL OR CARTILAGINOUS STRUCTURES. FETAL REMAINS DO**
10 **NOT INCLUDE THE UMBILICAL CORD OR PLACENTA.**

11 (5) ~~(3)~~ "File" means to present a certificate, report, or
12 other record to the local registrar provided for in this part for
13 registration by the state registrar.

14 (6) ~~(4)~~ "Final disposition" means the burial, cremation, or
15 other **LEGAL** disposition of a dead ~~human~~ body or ~~fetus~~ **FETAL**
16 **REMAINS.**

17 Sec. 2804. (1) "Institution" means a public or private
18 establishment ~~which~~ **THAT** provides inpatient medical, surgical, or
19 diagnostic care or treatment or nursing, custodial, or domiciliary
20 care to 2 or more unrelated individuals, including an establishment
21 to which individuals are committed by law.

22 (2) "Law enforcement agency" means a police agency of a city,
23 village, or township; a sheriff's department; the department of
24 state police; and any other governmental law enforcement agency.

25 (3) "Live birth" means a term defined by departmental rule
26 ~~which~~ **THAT** shall conform as closely as possible to the definition
27 of live birth recommended by the federal agency responsible for

1 vital statistics.

2 (4) "Local registrar" means the county clerk or the clerk's
3 deputy, or in the case of a city having a population of 40,000 or
4 more, the city clerk or city department designated by the governing
5 body of the city; or a registrar appointed pursuant to section
6 2814. Population shall be determined according to the latest
7 federal decennial census.

8 (5) **"MEDICAL WASTE" MEANS THAT TERM AS DEFINED IN SECTION**
9 **13805.**

10 (6) **"MISCARRIAGE" MEANS THE SPONTANEOUS EXPULSION OF A**
11 **NONVIABLE FETUS BEFORE THE TWENTIETH WEEK OF GESTATION.**

12 (7) ~~(5)~~—"Registration" means the acceptance by the state
13 registrar and the incorporation of certificates provided for in
14 this part into the official vital records.

15 Sec. 2834. (1) A fetal death occurring in this state ~~as~~
16 ~~defined by section 2803,~~ shall be reported to the state registrar
17 within 5 days after delivery. The state registrar shall prescribe
18 the form and manner for reporting fetal deaths.

19 (2) The reporting form shall not contain the name of the
20 biological parents, common identifiers such as social security or
21 drivers license numbers or other information identifiers that would
22 make it possible to identify in any manner or in any circumstances
23 the biological parents of the fetus. A state agency shall not
24 compare data in an information system file with data in another
25 computer system ~~which~~ **THAT** would result in identifying in any way a
26 woman or father involved in a fetal death. Statistical information
27 ~~which~~ **THAT** may reveal the identity of the biological parents

1 involved in a fetal death shall not be maintained. This subsection
2 does not apply after June 1, 2003.

3 (3) If a dead fetus is delivered in an institution, the
4 individual in charge of the institution or his or her authorized
5 representative shall prepare and file the report **AND MAKE**
6 **ARRANGEMENTS FOR THE FINAL DISPOSITION OF THE DEAD FETUS IN**
7 **ACCORDANCE WITH SECTION 2848 TAKING INTO ACCOUNT THE EXPRESSED**
8 **WISHES OF THE PARENTS, OR PARENT IN CASE OF AN UNMARRIED MOTHER, AS**
9 **LONG AS THOSE WISHES DO NOT CONFLICT WITH ANY STATE OR FEDERAL LAW,**
10 **RULE, OR REGULATION.**

11 (4) If a dead fetus is delivered outside an institution, the
12 physician in attendance shall prepare and file the report **AND**
13 **INFORM THE PARENTS, OR PARENT IN CASE OF AN UNMARRIED MOTHER, THAT**
14 **STATE LAW REQUIRES THAT AUTHORIZATION BE OBTAINED BEFORE THE FINAL**
15 **DISPOSITION OF A DEAD FETUS RESULTING FROM A STILLBIRTH AND THAT**
16 **THE PARENTS OR PARENT HAS A RIGHT TO DETERMINE THE FINAL**
17 **DISPOSITION OF THE DEAD FETUS.**

18 (5) If a fetal death occurs without medical attendance at or
19 after the delivery or if inquiry is required by the medical
20 examiner, the attendant, mother, or other person having knowledge
21 of the fetal death shall notify the medical examiner who shall
22 investigate the cause and prepare and file the report.

23 (6) The reports required under this section and filed before
24 June 1, 2003 are confidential statistical reports to be used only
25 for medical and health purposes and shall not be incorporated into
26 the permanent official records of the system of vital statistics. A
27 schedule for the disposition of these reports shall be provided for

1 by the department. The department or any employee of the department
2 shall not disclose to any person outside the department the reports
3 or the contents of the reports required by this section and filed
4 before June 1, 2003 in any manner or fashion so as to permit the
5 person or entity to whom the report is disclosed to identify in any
6 way the biological parents.

7 (7) The reports required under this section and filed on or
8 after June 1, 2003 are permanent vital records documents and shall
9 be incorporated into the system of vital statistics. ~~as described~~
10 ~~in section 2805.~~ Access to a fetal death report or information
11 contained on a fetal death report shall be the same as to a live
12 birth record in accordance with sections 2882, 2883, and 2888.

13 (8) With information provided to the department under
14 subsection (7), the department shall create a certificate of
15 stillbirth ~~which~~ **THAT** shall conform as nearly as possible to
16 recognized national standardized forms and shall include, but not
17 be limited to, the following information:

18 (a) The name of the fetus, if it was given a name by the
19 parent or parents.

20 (b) The number of weeks of gestation completed.

21 (c) The date of delivery and weight at the time of delivery.

22 (d) The name of the parent or parents.

23 (e) The name of the health facility in which the fetus was
24 delivered or the name of the health professional in attendance if
25 the delivery was outside a health facility.

26 **(9) IF A MISCARRIAGE OCCURS OUTSIDE AN INSTITUTION AND A**
27 **HEALTH PROFESSIONAL IS PRESENT OR IS IMMEDIATELY AWARE OF THE**

1 MISCARRIAGE, THEN THE HEALTH PROFESSIONAL SHALL INFORM THE PARENTS,
2 OR PARENT IN THE CASE OF AN UNMARRIED MOTHER, THAT STATE LAW
3 REQUIRES THAT AUTHORIZATION BE OBTAINED BEFORE THE FINAL
4 DISPOSITION OF ANY FETAL REMAINS RESULTING FROM A MISCARRIAGE AND
5 THAT THE PARENTS OR PARENT HAS A RIGHT TO DETERMINE THE FINAL
6 DISPOSITION OF THE FETAL REMAINS.

7 Enacting section 1. This amendatory act takes effect July 1,
8 2011.

9 Enacting section 2. This amendatory act does not take effect
10 unless all of the following bills of the 96th Legislature are
11 enacted into law:

12 (a) Senate Bill No.____ or House Bill No.____ (request no.
13 00292'11 a *).

14 (b) Senate Bill No.____ or House Bill No.____ (request no.
15 00295'11).