SENATE BILL No. 405

June 7, 2011, Introduced by Senator KAHN and referred to the Committee on Appropriations.

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 of

2   a dead body, either personally or through his or her authorized

3   agent, shall report the death. For purposes of this subsection,

4   "dead body" includes, but is not limited to, the body of an infant

5   who survived an attempted abortion as described in the born alive

6   infant protection act**, 2002 PA 687, MCL 333.1071 TO 333.1073,** and

7   who later died. The funeral director or the authorized agent shall

8   obtain the necessary personal data from the next of kin or the best

9   qualified individual or source available and shall obtain medical

10   certification as follows:

11   (a) If the death occurred outside an institution, the medical

1 certification portion of the death record shall be completed and

2 certified not later than 48 hours after death by the attending

3 physician; or in the absence of the attending physician, by a

4 physician acting as the attending physician's authorized

5 representative; or in the absence of an authorized representative,

6 by the county medical examiner; or in the absence of the county

7 medical examiner, by the county health officer or the deputy county

8 medical examiner. If the death occurred in an institution, the

9 medical certification shall be completed and signed not later than

10 48 hours after death by the attending physician; or in the absence

11 of the attending physician, by a physician acting as the attending

12 physician's authorized representative; or in the absence of an

13 authorized representative, by the chief medical officer of the

14 institution in which death occurred, after reviewing pertinent

15 records and making other investigation as considered necessary, or

16 by a pathologist.

17   (b) A physician, as described in subdivision (a), who for

18 himself or herself or as an agent or employee of another individual

19 neglects or refuses to certify a death record properly presented to

20 him or her for certification by a funeral director or who refuses

21 or neglects to furnish information in his or her possession, is

22 guilty of a misdemeanor punishable by imprisonment for not more

23 than 60 days, or a fine of not less than $25.00 nor more than

24 $100.00, or both.

25   (2) The medical certification shall be provided not later than

26 48 hours after the death by the physician, as described in

27 subsection (1)(a).

1   (3) A death record shall be certified by a funeral director

2   licensed under article 18 of the occupational code, 1980 PA 299,

3   MCL 339.1801 to 339.1812, and shall be filed **NOT LATER THAN 72**

4   **HOURS AFTER THE DEATH** with ~~the~~ **EACH OF THE FOLLOWING:**

5   **(A) THE** local registrar of the district where the death

6   occurred**.** ~~not later than 72 hours after the death.~~

7   **(B) THE DEPARTMENT OR THE MICHIGAN MEDICAID ESTATE RECOVERY**

8   **PROGRAM ESTABLISHED UNDER SECTION 112G OF THE SOCIAL WELFARE ACT,**

9   **1939 PA 280, MCL 400.112G.**

10   (4) Except as otherwise provided in this subsection, the death

11   of an infant who was born alive following an attempted abortion and

12   was surrendered to an emergency service provider under the safe

13   delivery of newborns law, ~~sections 1 to 20 of~~ chapter XII of the

14   probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, and then

15   died shall be reported in the same manner as for any death.

16   However, the deceased infant shall be listed as "Baby Doe" and no

17   information that would directly identify the deceased infant or the

18   deceased infant's parents shall be reported, including, but not

19   limited to, the following 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.