



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4311 (as reported without amendment)  
Sponsor: Representative Hank Vaupel  
House Committee: Health Policy  
Senate Committee: Families, Seniors and Human Services

Date Completed: 10-5-17

### **RATIONALE**

The Safe Delivery Of Newborns Law allows a biological parent to legally surrender an infant no more than 72 hours old to an emergency service provider. Some people believe that biological parents who would otherwise surrender an infant in accordance with this law might not do so for fear that their names and personal information would be recorded and associated with the newborn. It has been suggested that the anonymity of the surrendering parent be assured in statute.

### **CONTENT**

**The bill would amend Part 28 (Vital Records) of the Public Health Code to require the reporting of a live birth of a baby surrendered under the Safe Delivery of Newborns Law in the same manner as a birth occurring in or enroute to an institution, but with the parents listed as "unknown" and the newborn listed as "Baby Doe".**

Part 28 requires certain people to report a live birth occurring in Michigan. If a live birth occurs in an institution or enroute to an institution, the individual in charge of the institution or his or her designated representative must obtain the personal data, prepare the birth certificate, secure the signatures required by the birth certificate, and file the certificate with the local registrar or as otherwise directed by the State registrar within five days after the birth.

The bill specifies that, if a newborn were surrendered under the Safe Delivery of Newborns Law, the live birth would have to be reported in the same manner as described above for a live birth occurring in an institution or enroute to an institution, except that the parents would have to be listed as "unknown" and the newborn as "Baby Doe".

Under the bill, "surrender" would mean that term as defined in the Safe Delivery of Newborns Law (to leave a newborn with an emergency service provider without expressing an intent to return for the newborn).

(Part 28 defines "institution" as a public or private establishment that provides inpatient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care to two or more unrelated individuals, including an establishment to which individuals are committed by law. The State registrar is a person appointed to administer the System of Vital Statistics. A local registrar generally is a county clerk or, in a city with a population of 40,000 or more, the city clerk or designated city department.)

The bill would take effect 90 days after its enactment.

MCL 333.2822

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Since the Law took effect in 2001, 200 newborns have been surrendered under the Safe Delivery of Newborns Law, according to the Department of Health and Human Services. As described by the Department, "Safe Delivery provides parents who may be in a desperate situation a safe, legal and anonymous option of surrendering an infant who will be placed in a loving, adoptive home." Despite the Law, there are still situations in which biological parents abandon their babies in unsafe locations. The bill would encourage more parents to surrender a newborn when that is in the best interest of the child, knowing that their names and personal information would not be recorded.

Legislative Analyst: Nathan Leaman

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Pratt

SAS\H1718\s4311a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.