

SUBSTITUTE FOR
SENATE BILL NO. 25

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
8 grams. The definition shall conform in all other respects as

1 closely as possible to the definition recommended by the federal
2 agency responsible for vital statistics.

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

9 (5) ~~(3)~~—"File" means to present a certificate, report, or
10 other record to the local registrar provided for in this part for
11 registration by the state registrar.

12 (6) ~~(4)~~—"Final disposition" means the burial, cremation, or
13 ~~other disposition~~ **INTERMENT** of a dead ~~human~~ body or ~~fetus~~ **FETAL**
14 **REMAINS**.

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

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

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

27 (4) "Local registrar" means the county clerk or the clerk's

1 deputy, or in the case of a city having a population of 40,000 or
2 more, the city clerk or city department designated by the governing
3 body of the city; or a registrar appointed pursuant to section
4 2814. Population shall be determined according to the latest
5 federal decennial census.

6 (5) "MEDICAL WASTE" MEANS THAT TERM AS DEFINED IN SECTION
7 13805.

8 (6) "MISCARRIAGE" MEANS THE SPONTANEOUS EXPULSION OF A
9 NONVIABLE FETUS THAT HAS COMPLETED LESS THAN 20 WEEKS OF GESTATION.

10 (7) "PRODUCTS OF CONCEPTION" MEANS THAT TERM AS DEFINED IN
11 SECTION 13807.

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

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

3 (3) If a dead fetus **THAT HAS COMPLETED AT LEAST 20 WEEKS OF**
4 **GESTATION** is delivered in an institution, the individual in charge
5 of the institution or his or her authorized representative shall
6 prepare and file the **FETAL DEATH** report **AND MAKE ARRANGEMENTS FOR**
7 **THE FINAL DISPOSITION OF THE DEAD FETUS IN ACCORDANCE WITH SECTION**
8 **2848.**

9 (4) If a dead fetus **THAT HAS COMPLETED AT LEAST 20 WEEKS OF**
10 **GESTATION** is delivered outside an institution, the physician in
11 attendance shall prepare and file the **FETAL DEATH** report. **IF A**
12 **PHYSICIAN BECOMES AWARE OF A FETAL DEATH OR MISCARRIAGE THAT HAS**
13 **OCCURRED OUTSIDE AN INSTITUTION, THE PHYSICIAN SHALL INFORM THE**
14 **PARENTS, OR PARENT IN CASE OF AN UNMARRIED MOTHER, THAT STATE LAW**
15 **REQUIRES THE PARENTS OR PARENT TO AUTHORIZE THE FINAL DISPOSITION**
16 **OF THE DEAD FETUS OR FETAL REMAINS.**

17 (5) If a fetal death occurs without medical attendance at or
18 after the delivery or if inquiry is required by the medical
19 examiner, the attendant, mother, or other person having knowledge
20 of the fetal death shall notify the medical examiner who shall
21 investigate the cause and prepare and file the **FETAL DEATH** report.
22 **EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, THIS SECTION AND SECTION**
23 **2848 DO NOT APPLY TO A MISCARRIAGE THAT OCCURS OUTSIDE AN**
24 **INSTITUTION.**

25 (6) The **FETAL DEATH** reports required under this section and
26 filed before June 1, 2003 are confidential statistical reports to
27 be used only for medical and health purposes and shall not be

1 incorporated into the permanent official records of the system of
2 vital statistics. A schedule for the disposition of these reports
3 shall be provided for by the department. The department or any
4 employee of the department shall not disclose to any person outside
5 the department the reports or the contents of the reports required
6 by this section and filed before June 1, 2003 in any manner or
7 fashion so as to permit the person or entity to whom the report is
8 disclosed to identify in any way the biological parents.

9 (7) The **FETAL DEATH** reports required under this section and
10 filed on or after June 1, 2003 are permanent vital records
11 documents and shall be incorporated into the system of vital
12 statistics. ~~as described in section 2805.~~ Access to a fetal death
13 report or information contained on a fetal death report shall be
14 the same as to a live birth record in accordance with sections
15 2882, 2883, and 2888.

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

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

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

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

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

26 (e) The name of the health facility in which the fetus was
27 delivered or the name of the health professional in attendance if

1 the delivery was outside a health facility.

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

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No. 54 of the 96th Legislature is enacted into
6 law.