

HOUSE BILL No. 5537

April 12, 2016, Introduced by Rep. Vaupel and referred to the Committee on Health Policy.

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 2 (MCL 28.292), as amended by 2016 PA 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) An official state personal identification card
2 shall contain the following:

3 (a) An identification number permanently assigned to the
4 individual to whom the card is issued.

5 (b) The full legal name, date of birth, sex, residence
6 address, height, weight, eye color, digital photographic image,
7 signature of or verification and certification by the applicant, as
8 determined by the secretary of state, and expiration date of the

1 official state personal identification card.

2 (c) An indication that the identification card contains 1 or
3 more of the following:

4 (i) The blood type of the individual.

5 (ii) Immunization data of the individual.

6 (iii) Medication data of the individual.

7 (iv) A statement that the individual is deaf.

8 (d) In the case of a holder of an official state personal
9 identification card who has indicated his or her wish to
10 participate in the anatomical gift donor registry under part 101 of
11 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
12 heart insignia on the front of the official state personal
13 identification card.

14 (e) If requested by an individual who is a veteran of the
15 armed forces of this state, another state, or the United States,
16 other than an individual who was dishonorably discharged from the
17 armed forces of this state, another state, or the United States, a
18 designation that the individual is a veteran. The designation shall
19 be in a style and format considered appropriate by the secretary of
20 state. The secretary of state shall require proof of discharge or
21 separation of service from the armed forces of this state, another
22 state, or the United States, and the nature of that discharge, for
23 the purposes of verifying an individual's status as a veteran under
24 this subdivision. The secretary of state shall consult with the
25 department of military and veterans affairs in determining the
26 proof that shall be required to identify an individual's status as
27 a veteran for the purposes of this subsection. The secretary of

1 state may provide the department of military and veterans affairs
2 and agencies of the counties of this state that provide veteran
3 services with information provided by an applicant under this
4 subsection for the purpose of veterans' benefits eligibility
5 referral.

6 (f) Physical security features designed to prevent tampering,
7 counterfeiting, or duplication of the official state personal
8 identification card for fraudulent purposes.

9 (2) In conjunction with the application for an official state
10 personal identification card, the secretary of state shall do all
11 of the following:

12 (a) Provide the applicant with all of the following:

13 (i) Information explaining the applicant's right to make an
14 anatomical gift in the event of death under part 101 of the public
15 health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in
16 accordance with this section.

17 (ii) Information describing the donor registry program
18 maintained by Michigan's federally designated organ procurement
19 organization or its successor organization under section 10120 of
20 the public health code, 1978 PA 368, MCL 333.10120. The information
21 required under this subparagraph includes the address and telephone
22 number of Michigan's federally designated organ procurement
23 organization or its successor organization as defined in section
24 10120 of the public health code, 1978 PA 368, MCL 333.10120.

25 (iii) Information giving the applicant the opportunity to have
26 his or her name placed on the registry described in subparagraph
27 (ii).

1 (b) Provide the applicant with the opportunity to specify on
2 his or her official state personal identification card that he or
3 she is willing to make an anatomical gift in the event of death
4 pursuant to part 101 of the public health code, 1978 PA 368, MCL
5 333.10101 to 333.10123, and in accordance with this section.

6 (c) Inform the applicant that, if he or she indicates to the
7 secretary of state under this section a willingness to have his or
8 her name placed on the donor registry described in subdivision
9 (a)(ii), the secretary of state will mark the applicant's record
10 for the donor registry.

11 (3) The secretary of state may fulfill the requirements of
12 subsection (2) by 1 or more of the following methods:

13 (a) Providing printed material enclosed with a mailed notice
14 for the issuance or renewal of an official state personal
15 identification card.

16 (b) Providing printed material to an applicant who personally
17 appears at a secretary of state branch office.

18 (c) Through electronic information transmittals for
19 applications processed by electronic means.

20 (4) The secretary of state shall prescribe the form of the
21 official state personal identification card. The secretary of state
22 shall designate a space on the identification card where the
23 applicant may place a sticker or decal of a uniform size as the
24 secretary may specify to indicate that the cardholder carries a
25 separate emergency medical information card. The sticker or decal
26 may be provided by any person, hospital, school, medical group, or
27 association interested in assisting in implementing the emergency

1 medical information card, but shall meet the specifications of the
2 secretary of state. The sticker or decal also may be used to
3 indicate that the cardholder has designated 1 or more patient
4 advocates in accordance with section 5506 of the estates and
5 protected individuals code, 1998 PA 386, MCL 700.5506. The
6 emergency medical information card, carried separately by the
7 cardholder, may contain the information described in subsection
8 (2)(c), information concerning the cardholder's patient advocate
9 designation, **A "DNR" OR "NHM" DESIGNATION**, other emergency medical
10 information, or an indication as to where the cardholder has stored
11 or registered emergency medical information. An original
12 identification card or the renewal of an existing identification
13 card issued to an individual less than 21 years of age shall be
14 portrait or vertical in form and an identification card issued to
15 an individual 21 years of age or over shall be landscape or
16 horizontal in form. Except as otherwise required in this act, other
17 information required on the identification card under this act may
18 appear on the identification card in a form prescribed by the
19 secretary of state. **AS USED IN THIS SUBSECTION:**

20 (A) **"DNR" MEANS DO NOT RESUSCITATE.**

21 (B) **"NHM" MEANS NO HEROIC MEASURES.**

22 (5) The identification card shall not contain a fingerprint or
23 finger image of the applicant.

24 (6) Except as provided in this subsection, the secretary of
25 state shall retain and use an individual's digital photographic
26 image and signature described in subsection (1)(b) only for
27 programs administered by the secretary of state as specifically

1 authorized by law. An individual's digital photographic image or
2 signature shall only be used as follows:

3 (a) By a federal, state, or local governmental agency for a
4 law enforcement purpose authorized by law.

5 (b) By the secretary of state for a use specifically
6 authorized by law.

7 (c) The secretary of state shall forward to the department of
8 state police the images of individuals required to be registered
9 under the sex offenders registration act, 1994 PA 295, MCL 28.721
10 to 28.736, upon the department of state police providing the
11 secretary of state an updated list of those individuals.

12 (d) As necessary to comply with a law of this state or the
13 United States.

14 (7) If an individual presents evidence of statutory blindness
15 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
16 or is the holder of an official state personal identification card,
17 the secretary of state shall mark the individual's identification
18 card in a manner that clearly indicates that the cardholder is
19 legally blind.

20 (8) The secretary of state shall maintain a record of an
21 individual who indicates a willingness to have his or her name
22 placed on the donor registry described in subsection (2)(a)(ii).
23 Information about an individual's indication of a willingness to
24 have his or her name placed on the donor registry that is obtained
25 by the secretary of state and forwarded under this section is
26 exempt from disclosure under section 13(1)(d) of the freedom of
27 information act, 1976 PA 442, MCL 15.243. As required in section

1 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
2 secretary of state shall establish and maintain the donor registry
3 in a manner that complies with that section and that provides
4 electronic access, including, but not limited to, the transfer of
5 data to this state's federally designated organ procurement
6 organization or its successor organization, tissue banks, and eye
7 banks.

8 (9) An official state personal identification card may contain
9 an identifier for voter registration purposes.

10 (10) An official state personal identification card shall
11 contain information appearing in electronic or machine readable
12 codes needed to conduct a transaction with the secretary of state.
13 The information shall be limited to the information described in
14 subsection (1)(a) and (b) except for the person's digital
15 photographic image and signature or verification and certification,
16 state of issuance, and other information necessary for use with
17 electronic devices, machine readers, or automatic teller machines
18 and shall not contain the individual's driving record or other
19 personal identifier. The identification card shall identify the
20 encoded information.

21 (11) An official state personal identification card shall be
22 issued only upon authorization of the secretary of state, and shall
23 be manufactured in a manner to prohibit as nearly as possible the
24 ability to reproduce, alter, counterfeit, forge, or duplicate the
25 identification card without ready detection.

26 (12) Except as otherwise provided in this act, an applicant
27 shall pay a fee of \$10.00 to the secretary of state for each

1 original or renewal official state personal identification card
2 issued. The department of treasury shall deposit the fees received
3 and collected under this section in the state treasury to the
4 credit of the general fund. The legislature shall appropriate the
5 fees credited to the general fund under this act to the secretary
6 of state for the administration of this act. Appropriations from
7 the Michigan transportation fund created under section 10 of 1951
8 PA 51, MCL 247.660, shall not be used to compensate the secretary
9 of state for costs incurred and services performed under this
10 section.

11 (13) An original or renewal official state personal
12 identification card expires on the birthday of the individual to
13 whom it is issued in the fourth year following the date of issuance
14 or on the date the individual is no longer considered to be legally
15 present in the United States under section 1, whichever is earlier.
16 The secretary of state shall not issue an official state personal
17 identification card under this act for a period greater than 4
18 years. Except as provided in this subsection, the secretary of
19 state may issue a renewal official state personal identification
20 card for 1 additional 4-year period by mail or by other methods
21 prescribed by the secretary of state. The secretary of state shall
22 require renewal in person by an individual required under section
23 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a,
24 to maintain a valid operator's or chauffeur's license or official
25 state personal identification card.

26 (14) The secretary of state shall waive the fee under this
27 section if the applicant is any of the following:

1 (a) An individual 65 years of age or older.

2 (b) An individual who has had his or her operator's or
3 chauffeur's license suspended, revoked, or denied under the
4 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because
5 of a mental or physical infirmity or disability.

6 (c) An individual who presents evidence of statutory blindness
7 as provided in 1978 PA 260, MCL 393.351 to 393.368.

8 (d) An individual who presents other good cause for a fee
9 waiver.

10 (e) An individual who wishes to add or remove a heart insignia
11 described in subsection (1)(d).

12 (15) An individual who has been issued an official state
13 personal identification card shall apply for a renewal official
14 state personal identification card if the individual changes his or
15 her name.

16 (16) An individual who has been issued an official state
17 personal identification card shall apply for a corrected
18 identification card if he or she changes his or her residence
19 address. The secretary of state may correct the address on an
20 identification card by a method prescribed by the secretary of
21 state. A fee shall not be charged for a change of residence
22 address.

23 (17) Except as otherwise provided in subsections (15) and
24 (16), an individual who has been issued an official state personal
25 identification card may apply for a renewal official state personal
26 identification card for 1 or more of the following reasons:

27 (a) The individual wants to change any information on the

1 identification card.

2 (b) An identification card issued under this act is lost,
3 destroyed, or mutilated, or becomes illegible.

4 (18) An individual may indicate on an official state personal
5 identification card in a place designated by the secretary of state
6 his or her blood type, emergency contact information, immunization
7 data, medication data, or a statement that the individual is deaf.

8 (19) No later than January 1, 2017, the secretary of state
9 shall develop and shall, in conjunction with the department of
10 state police, implement a process using the L.E.I.N. or any other
11 appropriate system that limits access to law enforcement that would
12 allow law enforcement agencies of this state to access emergency
13 contact information that the holder of an official state personal
14 identification card has voluntarily provided to the secretary of
15 state. As used in this subsection, "emergency contact information"
16 means the name, telephone number, or address of an individual that
17 is used for the sole purpose of contacting that individual when the
18 holder of an official state personal identification card has been
19 involved in an emergency.

20 (20) If an applicant provides proof to the secretary of state
21 that he or she is a minor who has been emancipated under 1968 PA
22 293, MCL 722.1 to 722.6, the official state personal identification
23 card shall bear the designation of the individual's emancipated
24 status in a manner prescribed by the secretary of state.

25 (21) The secretary of state shall inquire of each individual
26 who applies for or who holds an official state personal
27 identification card, in person or by mail, whether he or she agrees

1 to participate in the anatomical gift donor registry under part 101
2 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
3 An individual who has agreed to participate in the donor registry
4 shall not be considered to have revoked that agreement solely
5 because the individual's official state personal identification
6 card has expired. Enrollment in the donor registry constitutes a
7 legal agreement that remains binding and in effect after the
8 donor's death regardless of the expressed desires of the deceased
9 donor's next of kin who may oppose the donor's anatomical gift.

10 (22) A valid official state personal identification card
11 presented by the individual to whom the card is issued shall be
12 considered the same as a valid state of Michigan driver license
13 when identification is requested except as otherwise specifically
14 provided by law.