

**SUBSTITUTE FOR
HOUSE BILL NO. 6294**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2502, 3206, 5501, and 5506 (MCL 700.2502, 700.3206, 700.5501, and 700.5506), section 3206 as amended by 2016 PA 57, section 5501 as amended by 2012 PA 141, and section 5506 as amended by 2008 PA 41, and by adding sections 1202 and 5108a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1202. (1) Notwithstanding anything in this act to the**
2 **contrary, the act of signing or witnessing the execution of a**
3 **document or instrument under this act, including, but not limited**
4 **to, a will under article II, a disclaimer under section 2903, a**
5 **funeral representative designation, a parental appointment of a**
6 **guardian of a minor under section 5202, an appointment of a**



1 guardian of a legally incapacitated individual under section 5301,
2 a durable power of attorney under section 5501, or a patient
3 advocate designation is satisfied by use of a 2-way real-time
4 audiovisual technology if all of the following requirements are
5 met:

6 (a) The 2-way real-time audiovisual technology must allow
7 direct, contemporaneous interaction by sight and sound between the
8 signatory and the witnesses.

9 (b) The interaction between the signatory and the witnesses
10 must be recorded and preserved by the signatory or the signatory's
11 designee for a period of at least 3 years.

12 (c) The signatory must affirmatively represent either that the
13 signatory is physically situated in this state, or that the
14 signatory is physically located outside the geographic boundaries
15 of this state and that either of the following apply:

16 (i) The document or instrument is intended for filing with or
17 relates to a matter before a court, governmental entity, public
18 official, or other entity subject to the jurisdiction of this
19 state.

20 (ii) The document or instrument involves property located in
21 the territorial jurisdiction of this state or a transaction
22 substantially connected to this state.

23 (d) The signatory must affirmatively state during his or her
24 interaction with the witnesses on the 2-way real-time audiovisual
25 technology what document they are executing.

26 (e) Each title page and signature page of the document or
27 instrument being witnessed must be shown to the witnesses on the 2-
28 way real-time audiovisual technology in a manner clearly legible to
29 the witnesses, and every page of the document or instrument must be



1 numbered to reflect both the page number of the document or
2 instrument and the total number of pages of the document or
3 instrument.

4 (f) Each act of signing the document or instrument must be
5 captured sufficiently up close on the 2-way real-time audiovisual
6 technology for the witnesses to observe.

7 (g) The signatory or the signatory's designee must transmit by
8 facsimile, mail, or electronic means a legible copy of the entire
9 signed document or instrument directly to the witnesses within 72
10 hours after it is executed.

11 (h) Within 72 hours after receipt, the witnesses must sign the
12 transmitted copy of the document or instrument as a witness and
13 return the signed copy of the document or instrument to the
14 signatory or the signatory's designee by facsimile, mail, or
15 electronic means.

16 (i) The document or instrument is either of the following:

17 (i) In writing.

18 (ii) A record that is readable as text at the time of signing.

19 (2) This section applies to a document or instrument described
20 in subsection (1) executed on or after April 30, 2020 and before
21 January 1, 2021.

22 (3) As used in this section:

23 (a) "Electronic" means relating to technology having
24 electrical, digital, magnetic, wireless, optical, electromagnetic,
25 or similar capabilities.

26 (b) "Record" means information that is inscribed on a tangible
27 medium or that is stored in an electronic or other medium and is
28 retrievable in perceivable form.

29 (c) "Sign" or "signing" means with present intent to



1 **authenticate or adopt a record to do either of the following:**

2 **(i) Execute or adopt a tangible symbol.**

3 **(ii) Affix to or logically associate with the record an**
4 **electronic symbol or process.**

5 Sec. 2502. (1) ~~Except~~**Subject to section 1202, and except** as
6 provided in subsection (2) and in sections 2503, 2506, and 2513, a
7 will is valid only if it is all of the following:

8 (a) In writing.

9 (b) Signed by the testator or in the testator's name by some
10 other individual in the testator's conscious presence and by the
11 testator's direction.

12 (c) Signed by at least 2 individuals, each of whom signed
13 within a reasonable time after he or she witnessed either the
14 signing of the will as described in subdivision (b) or the
15 testator's acknowledgment of that signature or acknowledgment of
16 the will.

17 (2) A will that does not comply with subsection (1) is valid
18 as a holographic will, whether or not witnessed, if it is dated,
19 and if the testator's signature and the document's material
20 portions are in the testator's handwriting.

21 (3) Intent that the document constitutes a testator's will can
22 be established by extrinsic evidence, including, for a holographic
23 will, portions of the document that are not in the testator's
24 handwriting.

25 Sec. 3206. (1) Subject to 1953 PA 181, MCL 52.201 to 52.216,
26 part 28 and article 10 of the public health code, 1978 PA 368, MCL
27 333.2801 to 333.2899 and 333.10101 to 333.11101, and subsection
28 (12), a funeral representative designated under subsection (2), a
29 person with priority under subsections (3) to (5) or a person



1 acting under subsection (6), (7), (8), or (9) is presumed to have
 2 the right and power to make decisions about funeral arrangements
 3 and the handling, disposition, or disinterment of a decedent's
 4 body, including, but not limited to, decisions about cremation, and
 5 the right to retrieve from the funeral establishment and possess
 6 cremated remains of the decedent immediately after cremation. The
 7 handling, disposition, or disinterment of a body must be under the
 8 supervision of a person licensed to practice mortuary science in
 9 this state.

10 (2) ~~Except~~ **Subject to section 1202, and except** as otherwise
 11 provided in this subsection and subject to the priority in
 12 subsection (3), an individual 18 years of age or older who is of
 13 sound mind at the time a funeral representative designation is made
 14 may designate in writing another individual who is 18 years of age
 15 or older and who is of sound mind to have the rights and powers
 16 under subsection (1). All of the following apply to a funeral
 17 representative designation under this subsection:

18 (a) For purposes of this section and sections 3206a and 3206b,
 19 an individual who is named in a funeral representative designation
 20 to have the rights and powers described in subsection (1) is known
 21 as a funeral representative and an individual who makes a funeral
 22 representative designation is known as a declarant.

23 (b) A funeral representative designation under this subsection
 24 must be in writing, dated, and signed voluntarily by the declarant
 25 or signed by a notary public on the declarant's behalf under
 26 section 33 of the Michigan ~~notary public act,~~ **law on notarial acts,**
 27 2003 PA 238, MCL 55.293. A funeral representative designation may
 28 be included in the declarant's will, patient advocate designation,
 29 or other writing. If a funeral representative designation is



1 contained in an individual's will, the will is not required to be
 2 admitted to probate for the funeral representative designation to
 3 be valid. A funeral representative designation must be 1 or both of
 4 the following:

5 (i) Signed in the presence of and signed by 2 witnesses. A
 6 witness under this section may not be the funeral representative or
 7 an individual described in subdivision (c) (ii) to (iv). A witness
 8 shall not sign the funeral representative designation unless the
 9 declarant appears to be of sound mind and under no duress, fraud,
 10 or undue influence.

11 (ii) Acknowledged by the declarant before a notary public, who
 12 endorses on the funeral representative designation a certificate of
 13 the acknowledgment and the true date of taking the acknowledgment.

14 (c) The following individuals may not act as a funeral
 15 representative for the declarant unless the individual is the
 16 surviving spouse or is a relative of the declarant:

17 (i) An officer, partner, member, shareholder, owner,
 18 representative, or employee of a funeral establishment that will
 19 provide services to the declarant.

20 (ii) A health professional, or an employee of or volunteer at a
 21 health facility or veterans facility, who provided medical
 22 treatment or nursing care to the declarant during the final illness
 23 or immediately before the declarant's death, or a partner, member,
 24 shareholder, owner, or representative of the health facility where
 25 medical treatment or nursing care was provided.

26 (iii) An officer, partner, member, shareholder, owner,
 27 representative, or employee of a cemetery at which the declarant's
 28 body will be interred, entombed, or inurned.

29 (iv) An officer, partner, member, shareholder, owner,



1 representative, or employee of a crematory that will provide the
2 declarant's cremation services.

3 (3) The following have the rights and powers under subsection
4 (1) in the following order of priority:

5 (a) If the decedent was a service member at the time of the
6 decedent's death, a person designated to direct the disposition of
7 the service member's remains according to a statute of the United
8 States or regulation, policy, directive, or instruction of the
9 Department of Defense.

10 (b) A funeral representative designated under subsection (2).

11 (c) The surviving spouse.

12 (d) Subject to subdivision (e), the individual or individuals
13 18 years of age or older in the following order of priority:

14 (i) The decedent's children.

15 (ii) The decedent's grandchildren.

16 (iii) The decedent's parents.

17 (iv) The decedent's grandparents.

18 (v) The decedent's siblings.

19 (vi) A descendant of the decedent's parents who first notifies
20 the funeral establishment in possession of the decedent's body of
21 the descendant's decision to exercise his or her rights under
22 subsection (1).

23 (vii) A descendant of the decedent's grandparents who first
24 notifies the funeral establishment in possession of the decedent's
25 body of the descendant's decision to exercise his or her rights
26 under subsection (1).

27 (e) If an individual described in subdivision (d) had the
28 right to dispose of the decedent's body under subsection (1), but
29 affirmatively declined to exercise his or her right or failed to



1 exercise his or her right within 48 hours after receiving
2 notification of the decedent's death, the individual does not have
3 the right to make a decision about the disinterment of the
4 decedent's body or possession of the decedent's cremated remains.

5 (4) If the individual or individuals with the highest priority
6 as determined under subsection (3) cannot be located after a good-
7 faith effort to contact and inform them of the decedent's death,
8 affirmatively decline to exercise their rights or powers under
9 subsection (1), or fail to exercise their rights or powers under
10 subsection (1) within 48 hours after receiving notification of the
11 decedent's death, the rights and powers under subsection (1) may be
12 exercised by the individual or individuals in the same order of
13 priority under subsection (3). If the individual or each of the
14 individuals in an order of priority as determined under this
15 subsection similarly affirmatively declines or fails to exercise
16 his or her rights or powers within 48 hours after receiving
17 notification that he or she may act under this subsection or cannot
18 be located, the rights or powers under subsection (1) pass to the
19 next order of priority under subsection (3). For purposes of this
20 subsection only, "exercise their rights or powers under subsection
21 (1)" means notifying the funeral establishment in possession of the
22 decedent's body of an individual's decision to exercise his or her
23 rights or powers under subsection (1).

24 (5) If 2 or more individuals share the rights and powers
25 described in subsection (1) as determined under subsection (3) or
26 (4), the rights and powers ~~shall~~**must** be exercised as decided by a
27 majority of the individuals who can be located after reasonable
28 efforts. If a majority cannot agree, any of the individuals may
29 file a petition under section 3207.



1 (6) If no individual described in subsections (3) and (4)
2 exists, exercises the rights or powers under subsection (1), or can
3 be located after a sufficient attempt as described in subsection
4 (10), and if subsection (7) does not apply, then the personal
5 representative or nominated personal representative may exercise
6 the rights and powers under subsection (1), either before or after
7 his or her appointment.

8 (7) If no individual described in subsections (3) and (4)
9 exists, exercises the rights or powers under subsection (1), or can
10 be located after a sufficient attempt as described in subsection
11 (10), and if the decedent was under a guardianship at the time of
12 death, the guardian may exercise the rights and powers under
13 subsection (1) and may make a claim for the reimbursement of burial
14 expenses as provided in section 5216 or 5315, as applicable.

15 (8) If no individual described in subsections (3) and (4)
16 exists, exercises the rights or powers under subsection (1), or can
17 be located after a sufficient attempt as described in subsection
18 (10), if the decedent died intestate, and if subsection (7) does
19 not apply, a special fiduciary appointed under section 1309 or a
20 special personal representative appointed under section 3614(c) may
21 exercise the rights and powers under subsection (1).

22 (9) If there is no person under subsections (3) to (8) to
23 exercise the rights and powers under subsection (1), 1 of the
24 following, as applicable, shall exercise the rights and powers
25 under subsection (1):

26 (a) Unless subdivision (b) applies, the medical examiner for
27 the county where the decedent was domiciled at the time of his or
28 her death.

29 (b) If the decedent was incarcerated in a state correctional



1 facility at the time of his or her death, the director of the
2 department of corrections or the designee of the director.

3 (10) An attempt to locate a person described in subsection (3)
4 or (4) is sufficient if a reasonable attempt is made in good faith
5 by a family member, personal representative, or nominated personal
6 representative of the decedent to contact the person at his or her
7 last known address, telephone number, or electronic mail address.

8 (11) This section does not void or otherwise affect an
9 anatomical gift made under part 101 of the public health code, 1978
10 PA 368, MCL 333.10101 to 333.10123.

11 (12) An individual who has been criminally charged with the
12 intentional killing of the decedent shall not exercise a right
13 under subsection (1) while the charges are pending.

14 (13) Except as otherwise provided in this subsection, a person
15 who has the rights and powers under subsection (1) and who
16 exercises the right over the disposition of the decedent's body
17 must ensure payment for the costs of the disposition through a
18 trust, insurance, a commitment by another person, a prepaid
19 contract under the prepaid funeral and cemetery sales act, 1986 PA
20 255, MCL 328.211 to 328.235, or other effective and binding means.
21 To the extent payment is not ensured under this subsection, the
22 person described in this subsection is liable for the costs of the
23 disposition. This subsection does not apply to a person who
24 exercises the rights and powers under subsection (1) as provided in
25 subsection (8) or (9).

26 (14) As used in this section:

27 (a) "Armed forces" means ~~that term as defined in section 2 of~~
28 ~~the veteran right to employment services act, 1994 PA 39, MCL~~
29 ~~35.1092.~~ **the Army, Air Force, Navy, Marine Corps, Coast Guard, or**



1 other military force designated by Congress as part of the Armed
2 Forces of the United States.

3 (b) "Health facility" means that term as defined in section
4 5653 of the public health code, 1978 PA 368, MCL 333.5653.

5 (c) "Health professional" means that term as defined in
6 section 5883 of the public health code, 1978 PA 368, MCL 333.5883.

7 (d) "Medical treatment" means that term as defined in section
8 5653 of the public health code, 1978 PA 368, MCL 333.5653.

9 (e) "Michigan National Guard" means that term as defined in
10 section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

11 (f) "Nominated personal representative" means a person
12 nominated to act as personal representative in a will that the
13 nominated person reasonably believes to be the valid will of the
14 decedent.

15 (g) "Service member" means a member of the armed forces, a
16 reserve branch of the armed forces, or the Michigan National Guard.

17 **Sec. 5108a. (1) Beginning April 30, 2020, a guardian, guardian**
18 **ad litem, or visitor may satisfy any requirement concerning a visit**
19 **with an individual, including, but not limited to, a visit in the**
20 **physical presence of a person under this act by instead conferring**
21 **with the individual via 2-way real-time audiovisual technology that**
22 **allows direct, contemporaneous interaction by sight and sound**
23 **between the individual being visited and the guardian, guardian ad**
24 **litem, or visitor.**

25 **(2) This section does not apply after December 31, 2020.**

26 Sec. 5501. (1) A durable power of attorney is a power of
27 attorney by which a principal designates another as the principal's
28 ~~attorney in fact~~ **attorney-in-fact** in a writing that contains the
29 words "This power of attorney is not affected by the principal's



1 subsequent disability or incapacity, or by the lapse of time", or
 2 "This power of attorney is effective upon the disability or
 3 incapacity of the principal", or similar words showing the
 4 principal's intent that the authority conferred is exercisable
 5 notwithstanding the principal's subsequent disability or incapacity
 6 and, unless the power states a termination time, notwithstanding
 7 the lapse of time since the execution of the instrument.

8 (2) ~~A-Subject to section 1202, a~~ durable power of attorney
 9 under this section ~~shall-must~~ be dated and signed voluntarily by
 10 the principal or signed by a notary public on the principal's
 11 behalf ~~pursuant to-under~~ section 33 of the Michigan ~~notary public~~
 12 ~~act, law on notarial acts~~, 2003 PA 238, MCL 55.293. The durable
 13 power of attorney ~~shall-must~~ be 1 or both of the following:

14 (a) Signed in the presence of 2 witnesses, neither of whom is
 15 the attorney-in-fact, and both of whom also sign the durable power
 16 of attorney.

17 (b) Acknowledged by the principal before a notary public, who
 18 endorses on the durable power of attorney a certificate of that
 19 acknowledgment and the true date of taking the acknowledgment.

20 (3) An attorney-in-fact designated and acting under a durable
 21 power of attorney has the authority, rights, responsibilities, and
 22 limitations as provided by law with respect to a durable power of
 23 attorney, including, but not limited to, all of the following:

24 (a) Except as provided in the durable power of attorney, the
 25 attorney-in-fact shall act in accordance with the standards of care
 26 applicable to fiduciaries exercising powers under a durable power
 27 of attorney.

28 (b) The attorney-in-fact shall take reasonable steps to follow
 29 the instructions of the principal.



1 (c) Upon request of the principal, the attorney-in-fact shall
2 keep the principal informed of the attorney-in-fact's actions. The
3 attorney-in-fact shall provide an accounting to the principal upon
4 request of the principal, to a conservator or guardian appointed on
5 behalf of the principal upon request of the guardian or
6 conservator, or pursuant to judicial order.

7 (d) The attorney-in-fact shall not make a gift of all or any
8 part of the principal's assets, unless provided for in the durable
9 power of attorney or by judicial order.

10 (e) Unless provided in the durable power of attorney or by
11 judicial order, the attorney-in-fact, while acting as attorney-in-
12 fact, shall not create an account or other asset in joint tenancy
13 between the principal and the attorney-in-fact.

14 (f) The attorney-in-fact shall maintain records of the
15 attorney-in-fact's actions on behalf of the principal, including
16 transactions, receipts, disbursements, and investments.

17 (g) The attorney-in-fact may be liable for any damage or loss
18 to the principal, and may be subject to any other available remedy,
19 for breach of fiduciary duty owed to the principal. In the durable
20 power of attorney, the principal may exonerate the attorney-in-fact
21 of any liability to the principal for breach of fiduciary duty
22 except for actions committed by the attorney-in-fact in bad faith
23 or with reckless indifference. An exoneration clause is not
24 enforceable if inserted as the result of an abuse by the attorney-
25 in-fact of a fiduciary or confidential relationship to the
26 principal.

27 (h) The attorney-in-fact may receive reasonable compensation
28 for the attorney-in-fact's services if provided for in the durable
29 power of attorney.



1 (4) Before exercising authority under a durable power of
 2 attorney, an attorney-in-fact shall execute an acknowledgment of
 3 the attorney-in-fact's responsibilities that contains all of the
 4 substantive statements in substantially the following form:

5 I, _____, have been appointed as attorney-in-
 6 fact for _____, the principal, under a durable
 7 power of attorney dated _____. By signing this document, I
 8 acknowledge that if and when I act as attorney-in-fact, all of the
 9 following apply:

10 (a) Except as provided in the durable power of attorney, I
 11 must act in accordance with the standards of care applicable to
 12 fiduciaries acting under durable powers of attorney.

13 (b) I must take reasonable steps to follow the instructions of
 14 the principal.

15 (c) Upon request of the principal, I must keep the principal
 16 informed of my actions. I must provide an accounting to the
 17 principal upon request of the principal, to a guardian or
 18 conservator appointed on behalf of the principal upon the request
 19 of that guardian or conservator, or pursuant to judicial order.

20 (d) I cannot make a gift from the principal's property, unless
 21 provided for in the durable power of attorney or by judicial order.

22 (e) Unless provided in the durable power of attorney or by
 23 judicial order, I, while acting as attorney-in-fact, ~~shall not~~
 24 **cannot** create an account or other asset in joint tenancy between
 25 the principal and me.

26 (f) I must maintain records of my transactions as attorney-in-
 27 fact, including receipts, disbursements, and investments.

28 (g) I may be liable for any damage or loss to the principal,
 29 and may be subject to any other available remedy, for breach of



1 fiduciary duty owed to the principal. In the durable power of
 2 attorney, the principal may exonerate me of any liability to the
 3 principal for breach of fiduciary duty except for actions committed
 4 by me in bad faith or with reckless indifference. An exoneration
 5 clause is not enforceable if inserted as the result of my abuse of
 6 a fiduciary or confidential relationship to the principal.

7 (h) I may be subject to civil or criminal penalties if I
 8 violate my duties to the principal.

9 Signature: _____ Date:

10 _____

11 (5) A third party is not liable to the principal or any other
 12 person because the third party has complied in good faith with
 13 instructions from an attorney-in-fact named in a durable power of
 14 attorney whether or not the attorney-in-fact has executed an
 15 acknowledgment that complies with subsection (4). A third party is
 16 not liable to the principal or any other person if the third party
 17 requires an attorney-in-fact named in a durable power of attorney
 18 to execute an acknowledgment that complies with subsection (4)
 19 before recognizing the durable power of attorney.

20 (6) An attorney-in-fact's failure to comply with subsection
 21 (4) does not affect the attorney-in-fact's authority to act for the
 22 principal as provided for in the durable power of attorney and does
 23 not affect the attorney-in-fact's responsibilities or potential
 24 liability to the principal.

25 (7) Subsections (2) to (6) do not apply to any of the
 26 following:

27 (a) A durable power of attorney executed before October 1,
 28 2012.

29 (b) A delegation under section 5103 or a similar power of



1 attorney created by a parent or guardian regarding the care,
2 custody, or property of a minor child or ward.

3 (c) A patient advocate designation or a similar power of
4 attorney relating to the principal's health care.

5 (d) A durable power of attorney that is coupled with an
6 interest in the subject matter of the power.

7 (e) A durable power of attorney that is contained in or is
8 part of a loan agreement, security agreement, pledge agreement,
9 escrow agreement, or other similar transaction.

10 (f) A durable power of attorney in connection with a
11 transaction with a joint venture, limited liability company,
12 partnership, limited partnership, limited liability partnership,
13 corporation, condominium, condominium association, condominium
14 trust, or similar entity, including, without limitation, a voting
15 agreement, voting trust, joint venture agreement, royalty
16 agreement, license agreement, proxy, shareholder's agreement,
17 operating agreement, partnership agreement, management agreement,
18 subscription agreement, certification of incorporation, bylaws, or
19 other agreement that primarily relates to such an entity.

20 (g) A power of attorney given primarily for a business or a
21 commercial purpose.

22 (h) A power of attorney created on a form prescribed by a
23 government or a governmental subdivision, agency, or
24 instrumentality for a governmental purpose.

25 Sec. 5506. (1) An individual 18 years of age or older who is
26 of sound mind at the time a patient advocate designation is made
27 may designate in writing another individual who is 18 years of age
28 or older to exercise powers concerning care, custody, and medical
29 or mental health treatment decisions for the individual making the



1 patient advocate designation. An individual making a patient
2 advocate designation under this subsection may include in the
3 patient advocate designation the authority for the designated
4 individual to make an anatomical gift of all or part of the
5 individual's body in accordance with this act and part 101 of the
6 public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The
7 authority regarding an anatomical gift under this subsection may
8 include the authority to resolve a conflict between the terms of
9 the advance health care directive and the administration of means
10 necessary to ensure the medical suitability of the anatomical gift.

11 (2) For purposes of this section and sections 5507 to 5515, an
12 individual who is named in a patient advocate designation to
13 exercise powers concerning care, custody, and medical or mental
14 health treatment decisions is known as a patient advocate and an
15 individual who makes a patient advocate designation is known as a
16 patient.

17 (3) ~~A~~ **Subject to section 1202**, a patient advocate designation
18 under this section must be in writing, signed, witnessed as
19 provided in subsection (4), dated, executed voluntarily, and,
20 before its implementation, made part of the patient's medical
21 record with, as applicable, the patient's attending physician, the
22 mental health professional providing treatment to the patient, the
23 facility where the patient is located, or the community mental
24 health services program or hospital that is providing mental health
25 services to the patient. The patient advocate designation must
26 include a statement that the authority conferred under this section
27 is exercisable only when the patient is unable to participate in
28 medical or mental health treatment decisions, as applicable, and,
29 in the case of the authority to make an anatomical gift as



1 described in subsection (1), a statement that the authority remains
2 exercisable after the patient's death.

3 (4) ~~A~~**Subject to section 1202**, a patient advocate designation
4 under this section must be executed in the presence of and signed
5 by 2 witnesses. A witness under this section shall not be the
6 patient's spouse, parent, child, grandchild, sibling, presumptive
7 heir, known devisee at the time of the witnessing, physician, or
8 patient advocate or an employee of a life or health insurance
9 provider for the patient, of a health facility that is treating the
10 patient, or of a home for the aged as defined in section 20106 of
11 the public health code, 1978 PA 368, MCL 333.20106, where the
12 patient resides, or of a community mental health services program
13 or hospital that is providing mental health services to the
14 patient. A witness shall not sign the patient advocate designation
15 unless the patient appears to be of sound mind and under no duress,
16 fraud, or undue influence.

17 (5) As used in this section, "community mental health services
18 program or hospital" means a community mental health services
19 program as that term is defined in section 100a of the mental
20 health code, 1974 PA 258, MCL 330.1100a, or a hospital as that term
21 is defined in section 100b of the mental health code, 1974 PA 258,
22 MCL 330.1100b.

