

# HOUSE BILL NO. 5289

December 10, 2019, Introduced by Reps. Alexander, Whiteford, Markkanen, Miller, Green, Wakeman, Wozniak, Eisen, LaGrand and Meerman and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2882 and 2891 (MCL 333.2882 and 333.2891), section 2882 as amended by 2002 PA 691 and section 2891 as amended by 2013 PA 136.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 2882. (1) Except as otherwise provided in section 2890,  
2 ~~upon~~ **on receipt of a** written request and payment of the prescribed  
3 fee, **if any**, the state registrar or local registrar shall issue the  
4 appropriate 1 of the following:



1 (a) A certified copy of a live birth record, an affidavit of  
2 parentage filed after June 1, 1997, or a **certificate or other**  
3 record of stillbirth filed after June 1, 2003 to 1 of the  
4 following:

5 (i) The individual who is the subject of the record.

6 (ii) A parent named in the record.

7 (iii) An heir, a legal representative, or a legal guardian of  
8 the individual who is the subject of the record.

9 (iv) A court of competent jurisdiction.

10 (b) If the live birth record is 100 or more years old, a  
11 certified copy of the live birth record to any applicant.

12 (c) A certified copy of a death record, including the cause of  
13 death, to any applicant.

14 (d) A certified copy of a marriage or divorce record to any  
15 applicant, except as provided by rule.

16 (e) A certified copy of a fetal death record that was filed  
17 before September 30, 1978, to any applicant.

18 (2) ~~Upon~~ **On receipt of a** written request of an adult who has  
19 been adopted and payment of the prescribed fee, the state registrar  
20 shall issue to that individual a copy of his or her original  
21 certificate of live birth, if the written request identifies the  
22 name of the adult adoptee and is accompanied by a copy of a central  
23 adoption registry clearance reply form that was completed by the  
24 ~~family independence agency~~ **department** and delivered to that  
25 individual as required ~~by~~ **under** section 68(9) of the Michigan  
26 adoption code, chapter X of the probate code of 1939, 1939 PA 288,  
27 MCL 710.68.

28 (3) ~~Upon~~ **On receipt of a** written request of a confidential  
29 intermediary appointed under section 68b of the Michigan adoption



1 code, chapter X of the probate code of 1939, 1939 PA 288, MCL  
2 710.68b, presentation of a certified copy of the order of  
3 appointment, identification of the name of the adult adoptee, and  
4 payment of the required fee, the state registrar shall issue to the  
5 confidential intermediary a copy of the original certificate of  
6 live birth of the adult adoptee on whose behalf the intermediary  
7 was appointed.

8 (4) A copy of the original certificate of live birth provided  
9 under subsection (2) or (3) ~~shall~~**must** have the following phrase  
10 marked on the face of the copy: "This document is a copy of a  
11 sealed record and is not the active birth certificate of the  
12 individual whose name appears on this document".

13 Sec. 2891. (1) The state registrar or a local registrar shall,  
14 ~~upon~~**on** receipt of a written request and payment of the prescribed  
15 fee, conduct a search for a vital record for an individual who  
16 purports to be eligible under section 2882 or for an agency under  
17 section 2883(2) to receive a certified copy, administrative use  
18 copy, or a statistical use copy of the requested vital record.

19 (2) If a search for a vital record is conducted by the state  
20 registrar and the vital record cannot be located, the state  
21 registrar shall issue an official statement that the vital record  
22 could not be located instead of a certified copy or an  
23 administrative use copy of the vital record. If a search for a  
24 vital record is conducted by a local registrar and the vital record  
25 cannot be located, the local registrar is not required to issue an  
26 official statement as described in this subsection, and the local  
27 registrar may waive the prescribed fee.

28 (3) The state registrar or a local registrar may require an  
29 applicant who requests a certified copy, an administrative use



1 copy, or a statistical use copy of a vital record to provide  
2 verification of his or her identity before releasing the vital  
3 record if eligibility for the vital record is restricted under  
4 section 2882.

5 (4) Subject to subsection (8) **or (19)**, the fees for a search  
6 for a vital record are as follows:

- 7 (a) A search including 1 certified copy, 1  
8 administrative use copy, or 1 statistical use copy of a  
9 vital record or an official statement issued by the state  
10 registrar that a vital record could not be  
11 located..... \$ 34.00
- 12 (b) Additional identical copies ordered at the same \$ 16.00  
13 time..... per copy
- 14 (c) Additional years searched..... \$ 12.00  
15 per year
- 16 (d) An authenticated copy..... \$ 42.00
- 17 (e) Additional authenticated copies ordered at the \$ 26.00  
18 same time..... per copy
- 19 (f) Verification of facts delineated in section  
20 2881(2)..... \$ 18.00
- 21 (g) Except as otherwise provided in subdivision (h),  
22 a request for an expedited search for a vital record under  
23 this subsection..... \$ 12.00
- 24 (h) A request for an expedited search for an  
25 authenticated copy of a vital record under subdivision  
26 (d)..... \$ 25.00

27 (5) The fees for establishment or registration of a vital  
28 record are as follows:



1 (a) Application for establishment of a delayed  
 2 certificate of birth or death that includes 1 certified  
 3 copy or an official denial of the  
 4 application..... \$ 50.00

5 (b) Registration of a delayed certificate of birth  
 6 for a foreign born adopted child that includes 1 certified  
 7 copy..... \$ 50.00

8 (6) ~~Upon~~ **On receipt of a** formal application of a soldier;  
 9 sailor; marine; member of the ~~coast guard;~~ **United States Coast**  
 10 **Guard;** nurse; member of a women's auxiliary; or other ~~person~~  
 11 **individual** who is entitled to a bonus, a pension, or other  
 12 compensation under a law of this state, the United States, or  
 13 another state or territory of the United States or a service  
 14 auxiliary for a vital record for the purpose of obtaining the  
 15 bonus, pension, or compensation, the state registrar shall furnish  
 16 1 certified copy of the vital record requested without charge. If  
 17 the ~~person~~ **individual who is** entitled to the vital record is  
 18 deceased or mentally incompetent, the state registrar may furnish  
 19 the copy to an heir, guardian, or legal representative of the  
 20 ~~person.~~ **individual.** The state registrar shall label a certified  
 21 copy furnished under this subsection with the following statement:  
 22 "for veteran's benefits only, not for personal use".

23 (7) ~~Upon~~ **On receipt of a** formal application, the state  
 24 registrar or a local registrar shall furnish a certified copy of a  
 25 vital record without charge to a licensed child placing agency  
 26 representing a child for adoption purposes. The state registrar or  
 27 local registrar shall label a certified copy provided under this  
 28 subsection with the following statement: "for adoption purposes  
 29 only, not for personal use".

1 (8) ~~Upon~~ **On receipt of a** formal application, the state  
2 registrar shall charge ~~a person~~ **an individual who is** 65 years of  
3 age or older a fee of \$14.00 for a search for and 1 certified copy  
4 of his or her birth record.

5 (9) The state registrar shall charge the following fees for  
6 the creation of new vital records and corrections of vital records:

7 (a) Application to create a new certificate of birth  
8 following an adoption; legal change of name for minors;  
9 acknowledgement of paternity; sex change; legitimation;  
10 order of filiation; or a request to replace a court filed  
11 certificate of adoption..... \$ 50.00

12 (b) Subject to subsection (10), application received  
13 within 1 year of the date of the event to create a new  
14 certificate of birth or death to correct obvious minor  
15 errors and omissions..... \$ 50.00

16 (c) An application with a request for an expedited  
17 creation of a new certificate under this  
18 subsection..... \$ 25.00

19 (10) The errors and omissions that may be corrected under  
20 subsection (9) (b) are limited to the following:

21 (a) The addition of a given first or middle name if a name was  
22 not recorded at the time of filing.

23 (b) A change to a ~~social security~~ **Social Security** number.

24 (c) The addition of information originally specified as  
25 unknown or that was omitted by error.

26 (d) A minor spelling change.

27 (11) The state registrar shall charge a fee of \$50.00 for an  
28 application to amend birth and death records more than 1 year after  
29 the date of the event for the purpose of adding information or

1 correcting an error in information recorded on the document. The  
2 state registrar shall charge a fee of \$25.00 for an application  
3 with a request for an expedited amendment to a birth or death  
4 record under this subsection.

5 (12) The state registrar shall not charge a fee for any of the  
6 following:

7 (a) Changing a vital record to correct an error made within  
8 the office of a local registrar or the state registrar.

9 (b) Correcting an error if the correction is initiated by the  
10 state registrar.

11 (c) Correcting a vital record if the correction is requested  
12 by a county medical examiner for a case within his or her  
13 jurisdiction.

14 (d) Correcting a record if the correction is ordered by a  
15 court of competent jurisdiction following denial by the department  
16 of an application to make the correction.

17 (e) Correcting a vital record if the correction is requested  
18 by a public agency that is the guardian of the individual to whom  
19 the vital record pertains.

20 (13) The state registrar shall charge a fee of \$50.00 for an  
21 application to amend a birth record regarding a documented legal  
22 change of name for an adult. The state registrar shall charge a fee  
23 of \$25.00 for an application with a request for an expedited  
24 amendment to a birth record under this subsection.

25 (14) The state registrar or a local registrar with approval of  
26 the state registrar may charge a reasonable fee to cover the costs  
27 of special services performed pursuant to section 2883, 2884, or  
28 2888.

29 (15) A local registrar shall deposit fees collected under this



1 section as the governing body of the city or county directs. The  
2 state registrar shall transmit fees collected under this section to  
3 the state treasurer for deposit into the vital records fund created  
4 in section 2892.

5 (16) The state registrar shall charge a fee of \$12.00 for an  
6 application for a copy or a certified copy of a vital records-  
7 related document, including, but not limited to, a completed  
8 application submitted under this section or a document submitted  
9 under this section to support a requested change to a vital record.

10 (17) The state registrar or a local registrar shall not charge  
11 a fee other than a fee prescribed in this section. However, a local  
12 governmental unit may adopt a system of fees for local registrars  
13 under the jurisdiction of the local governmental unit for a search  
14 that provides for fees less than those set forth in this section,  
15 and a charter county with a population of more than 2,000,000 may  
16 adopt a system of fees for a local registrar under the jurisdiction  
17 of that charter county that provides for fees more than those set  
18 forth in this section. However, a charter county shall not impose a  
19 fee that is greater than the cost of the service for which the fee  
20 is charged.

21 (18) For searches under subsection (4), a local registrar  
22 shall charge fees according to the following:

23 (a) The governing body of a local governmental unit that has  
24 jurisdiction over a local registrar may adopt a system of fees for  
25 the local registrar that provides for fees less than or equal to  
26 the fees set forth in subsection (4). These fees ~~shall~~**must only** be  
27 used for the maintenance and sustenance of the vital records fees  
28 program, ~~only. The fees shall~~**to** alleviate any burden to the  
29 taxpayers to provide this worthwhile program. A charter county with





1 a population of more than 2,000,000 may adopt a system of fees for  
2 a local registrar under the jurisdiction of that charter county  
3 that provides for fees that are more than the fees set forth in  
4 subsection (4). A charter county shall not impose a fee that is  
5 greater than the cost of the service for which the fee is charged.  
6 A system of fees adopted under this subdivision ~~shall~~**must** be used  
7 by all local registrars under the jurisdiction of the local  
8 governmental unit and ~~shall~~**must** be reasonably related to the cost  
9 incurred by the local registrar in making the search.

10 (b) If a system of fees is not adopted by a local registrar's  
11 local governmental unit under subdivision (a), the local registrar  
12 shall not charge a fee other than a fee prescribed in subsection  
13 (4).

14 **(19) The state registrar shall not charge a fee under**  
15 **subsection (4) for a search and 1 or more certified copies or**  
16 **authenticated copies of a certificate or other record of stillbirth**  
17 **described in section 2882(1)(a).**

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

