

SENATE BILL NO. 709

October 28, 2021, Introduced by Senators VANDERWALL, WOJNO, OUTMAN, SANTANA, CHANG, MCMORROW, VICTORY, BULLOCK, BRINKS, RUNESTAD and SCHMIDT and referred to the Committee on Families, Seniors, and Veterans.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2843 (MCL 333.2843), as amended by 2013 PA 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2843. (1) A funeral director who first assumes custody of
2 a dead body, either personally or through his or her authorized
3 agent, shall report the death. For purposes of this subsection,
4 "dead body" includes, but is not limited to, the body of an infant
5 who survived an attempted abortion as described in the born alive
6 infant protection act, **2002 PA 687, MCL 333.1071 to 333.1073**, and

1 who later died. The funeral director or the authorized agent ~~shall~~
2 **must** obtain the necessary personal data from the next of kin or the
3 best qualified individual or source available and ~~shall~~**must** obtain
4 medical certification as follows:

5 (a) If the death occurred outside an institution, the medical
6 certification portion of the death record shall be completed and
7 certified not later than 48 hours after death by the attending
8 physician; or in the absence of the attending physician, by a
9 physician acting as the attending physician's authorized
10 representative; or in the absence of an authorized representative,
11 by the county medical examiner; or in the absence of the county
12 medical examiner, by the county health officer or the deputy county
13 medical examiner. If the death occurred in an institution, the
14 medical certification shall be completed and signed not later than
15 48 hours after death by the attending physician; or in the absence
16 of the attending physician, by a physician acting as the attending
17 physician's authorized representative; or in the absence of an
18 authorized representative, by the chief medical officer of the
19 institution in which death occurred, after reviewing pertinent
20 records and making other investigation as considered necessary, or
21 by a pathologist.

22 (b) A physician described in subdivision (a), who for himself
23 or herself or as an agent or employee of another individual
24 neglects or refuses to certify a death record properly presented to
25 him or her for certification by a funeral director or who refuses
26 or neglects to furnish information in his or her possession, is
27 guilty of a misdemeanor punishable by imprisonment for not more
28 than 60 days, or a fine of not less than \$25.00 nor more than
29 \$100.00, or both.

1 (2) A physician described in subsection (1)(a) shall provide
2 the medical certification described in subsection (1)(a) within 48
3 hours after the death.

4 (3) A death record ~~shall~~**must** be certified by a funeral
5 director who is licensed under article 18 of the occupational code,
6 1980 PA 299, MCL 339.1801 to 339.1812, or by an individual who
7 holds a courtesy license under section 1806a of ~~that act,~~**the**
8 **occupational code, 1980 PA 299**, MCL 339.1806a, and shall be filed
9 with the local registrar of the district where the death occurred
10 within 72 hours after the death.

11 (4) Except as otherwise provided in this subsection, the death
12 of an infant who was born alive following an attempted abortion and
13 was surrendered to an emergency service provider **or a newborn**
14 **safety device** under the safe delivery of newborns law, ~~sections 1~~
15 ~~to 20 of~~ chapter XII of the probate code of 1939, 1939 PA 288, MCL
16 712.1 to 712.20, and then died shall be reported in the same manner
17 as for any death. ~~However, the~~**The** deceased infant shall be listed
18 as "Baby Doe" and no information that would directly identify the
19 deceased infant or the deceased infant's parents shall be reported,
20 including, but not limited to, the following information:

- 21 (a) The name of the mother or father.
22 (b) The address of the mother or father.
23 (c) The name of the informant.
24 (d) The address of the informant.

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

27 Enacting section 2. This amendatory act does not take effect
28 unless Senate Bill No. 710 of the 101st Legislature is enacted into
29 law.