

# HOUSE BILL NO. 5303

November 03, 2023, Introduced by Reps. Scott, Dievendorf, Brabec, Pohutsky and Morgan and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2831 and 2872 (MCL 333.2831 and 333.2872), section 2831 as amended by 1996 PA 307.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2831. The state registrar shall establish a new  
2 certificate of birth for an individual born in this state when the  
3 registrar receives **any of** the following:

4           (a) A report of adoption as provided in section 2829, a report  
5 of adoption prepared and filed under the laws of another state or

1 foreign country, or a certified copy of the adoption order,  
2 together with the information necessary to identify the original  
3 certificate of birth and to establish a new certificate of live  
4 birth. However, a new certificate of live birth ~~shall~~**must** not be  
5 established if so requested by the court ordering the adoption; the  
6 adopting parent; or the adoptee, if the adoptee is an adult.

7 (b) A request that a new certificate be established and the  
8 evidence required by the department proving that the individual's  
9 paternity has been established.

10 (c) A request that a new certificate be established to show a  
11 sex designation other than that designated at birth. The request  
12 ~~shall~~**must** be accompanied by ~~an affidavit of a physician certifying~~  
13 ~~that sex-reassignment surgery has been performed.~~**a form signed by**  
14 **the individual indicating a sex designation of male, female, or**  
15 **"X". If the form is accompanied by a court order changing the name**  
16 **of the individual, the new certificate must also reflect the new**  
17 **legal name. The state registrar may not require any additional**  
18 **document or certification other than the form, or, if applicable,**  
19 **the court order, required under this subdivision.**

20 Sec. 2872. (1) Upon written request and receipt of an  
21 acknowledgment of paternity from the probate court of a child born  
22 out of wedlock, the state registrar shall create a new certificate  
23 of birth to show paternity. Upon the written request of the  
24 parents, the surname of the child ~~shall~~**must** be changed on the  
25 certificate to that designated by the parents. The certificate  
26 ~~shall~~**must** not be marked "amended". The original certificate of  
27 live birth ~~shall~~**must** be sealed in accordance with section 2832.

28 (2) Upon receipt of a certified copy of a court order changing  
29 the name of an individual born in this state and upon request of

1 the individual or the individual's parents, guardian, or legal  
2 representative, the state registrar shall affix an addendum to the  
3 individual's certificate of live birth, which ~~shall~~**must** state the  
4 individual's new name and identify the court order. The state  
5 registrar shall create a new live birth certificate and seal the  
6 original certificate only if the court order changing the  
7 individual's name specifically directs the state registrar to do so  
8 or if the request relates to a minor whose name is changed pursuant  
9 ~~to section 1 of chapter 11 of Act No. 288 of the Public Acts of~~  
10 ~~1939, as amended, being section 711.1 of the Michigan Compiled~~  
11 ~~Laws under section 1 of chapter XI of the probate code of 1939,~~  
12 **1939 PA 288, MCL 711.1.**

13 (3) **The requirement under subsection (2) that a court order**  
14 **changing the individual's name must include a specific direction to**  
15 **the state registrar for the state registrar to create a new live**  
16 **birth certificate and seal the original certificate does not apply**  
17 **to a new certificate of birth established under section 2831(c).**