

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978
Part 28
VITAL RECORDS

333.2801 Meanings of words and phrases; general definitions and principles of construction.

Sec. 2801.

(1) For purposes of this part, the words and phrases defined in sections 2803 to 2805 have the meanings ascribed to them in those sections.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

History: 1978, Act 368, Eff. Sept. 30, 1978

Compiler's Notes: For transfer of certain powers and duties of the office of policy, planning and evaluation from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled MCL 330.3101 of the Michigan Compiled Laws.

Popular Name: Act 368

333.2803 Definitions; A to F.

Sec. 2803.

(1) "Abortion" means a medical treatment that is intended to terminate a diagnosable intrauterine pregnancy for a purpose other than to produce a live birth. Abortion does not include the use or prescription of a drug or device that prevents pregnancy or a medical treatment used to remove a dead fetus or embryo whose death was the result of a spontaneous abortion.

(2) "Allowable individual" means an individual who is the subject of a birth record that is only available through the office of the state registrar and who meets any of the following:

(a) The individual was born in the jurisdiction of the office of the local registrar where the certified copy of the birth record is being sought.

(b) If the individual was adopted, the individual's adoption was ordered by a probate court that is located in the jurisdiction of the office of the local registrar where the certified copy of the birth record is being sought.

(3) "Dead body" means a human body or fetus, or a part of a dead human body or fetus, in a condition from which it may reasonably be concluded that death has occurred.

(4) "Fetal death" means the death of a fetus that has completed at least 20 weeks of gestation or weighs at least 400 grams. Fetal death includes a stillbirth. The definition of fetal death must conform in all other respects as closely as possible to the definition recommended by the federal agency responsible for vital statistics.

(5) "Fetal remains" means a dead fetus or part of a dead fetus that has completed at least 10 weeks of gestation or has reached the stage of development that, upon visual inspection of the fetus or part of the fetus, the head, torso, or extremities appear to be supported by skeletal or cartilaginous structures. Fetal remains do not include the umbilical cord or placenta.

(6) "File" means to present a certificate, report, or other record to the local registrar for registration by the state registrar.

(7) "Final disposition" means the burial, cremation, interment, or other legal disposition of a dead body or fetal remains.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2002, Act 562, Imd. Eff. Oct. 1, 2002 ;-- Am. 2012, Act 499, Eff. Mar. 31, 2013 ;-- Am. 2020, Act 54, Eff. June 1, 2020 ;-- Am. 2023, Act 209, Eff. Feb. 13, 2024

Popular Name: Act 368

333.2804 Definitions; I to R.

Sec. 2804.

(1) "Institution" means a public or private establishment that provides inpatient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care to 2 or more unrelated individuals, including an establishment to which individuals are committed by law.

(2) "Law enforcement agency" means a police agency of a city, village, or township; a sheriff's department; the department of state police; and any other governmental law enforcement agency.

(3) "Live birth" means that term as defined in section 1 of the born alive infant protection act, 2002 PA 687, MCL 333.1071.

(4) "Local registrar" means the county clerk or the clerk's deputy, or in the case of a city having a population of 40,000 or more, the city clerk or city department designated by the governing body of the city; or a registrar appointed pursuant to section 2814. Population shall be determined according to the latest federal decennial census.

(5) "Miscarriage" means the spontaneous expulsion of a nonviable fetus that has completed less than 20 weeks of gestation.

(6) "Registration" means the acceptance by the state registrar and the incorporation of certificates provided for in this part into the official vital records.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1985, Act 20, Imd. Eff. May 16, 1985 ;-- Am. 1990, Act 149, Imd. Eff. June 27, 1990 ;-- Am. 2012, Act 499, Eff. Mar. 31, 2013

Popular Name: Act 368

333.2805 Definitions; S to V.

Sec. 2805.

(1) "State registrar" means the official appointed under section 2813 or his or her authorized representative.

(2) "System of vital statistics" means the collection, certification, compilation, amendment, coordination, and preservation of vital records, including the tabulation, analysis, and publication of vital statistics.

(3) "Vital record" means a certificate or registration of birth, death, marriage, or divorce; an acknowledgment of parentage; or related data.

(4) "Vital statistics" means data derived from vital records and related reports.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1996, Act 307, Eff. June 1, 1997

Popular Name: Act 368

333.2811 Form and content of vital records and certificates.

Sec. 2811.

The department shall prescribe the form and content of vital records and certificates, which, except as otherwise provided in this part, must conform as nearly as possible to recognized national standardized forms including, as required to comply with federal law, requirements for the entry of Social Security numbers.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1998, Act 332, Imd. Eff. Aug. 10, 1998 ;-- Am. 2024, Act 252, Eff. Apr. 2, 2025

Compiler's Notes: Enacting section 2 of 1998 PA 332 provides: "Enacting section 2. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity."

Popular Name: Act 368

333.2813 State registrar; appointment; duties; inclusion of social security number; disclosure prohibited; violation; penalty.

Sec. 2813.

(1) The director shall appoint, subject to civil service rules, a state registrar to administer the system of vital statistics.

(2) The state registrar shall:

(a) Administer and control the only system of vital statistics for this state, as authorized in this part and the rules promulgated pursuant to this part.

(b) Be the custodian of the system of vital statistics.

(c) Exercise superintending control over local registrars and administer and control the activities of local officials and all other persons as to the operation of the system of vital statistics. The state registrar shall require each local registrar to require, as required to comply with federal law, the entry of the social security number of each applicant on an application for his or her marriage license and of the deceased on his or her death certificate. The directive under this subdivision for the inclusion of a social security number on an application shall not be required of an applicant who is exempt under federal law from obtaining a social security number or who is exempt under federal or state law from including his or her social security number on such an application. The state registrar shall not require a marriage license applicant's social security number to be displayed on the marriage license.

(d) Issue instructions for the administration of the system of vital statistics and conduct training programs to promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital statistics.

(e) Prescribe, furnish, and distribute forms for vital records and vital statistics or prescribe other means of transmitting vital records and vital statistics information as required by this part and the rules promulgated pursuant to this part.

(f) Prepare and publish reports of vital statistics.

(3) A person shall not disclose, in a manner not authorized by law or rule, a social security number collected as required by this section. A violation of this subsection is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both. A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1998, Act 332, Imd. Eff. Aug. 10, 1998

Popular Name: Act 368

333.2814 City clerk or city department as local registrar; rules.

Sec. 2814.

(1) A city having a population of less than 40,000 and an institution located within the city limits may request the state registrar to approve the governing body's appointment of a city clerk or a city department as a local registrar.

(2) The department shall promulgate rules for the administration of this section.

History: Add. 1985, Act 20, Imd. Eff. May 16, 1985

Popular Name: Act 368

333.2815 Local registrar; duties.

Sec. 2815.

(1) A county board of commissioners and the governing body of a city having a population of 40,000 or more

may agree that the county clerk or the clerk's deputy shall act as the local registrar for the city.

(2) A local registrar shall do all of the following:

(a) Record and transmit vital records and statistics as required by this part.

(b) Furnish blank forms and instructions provided by the state registrar to persons required to file vital records and vital statistics. A form or blank, including, but not limited to, a form or blank in an electronic format, other than those provided or approved by the state registrar shall not be used.

(c) Examine each vital record before accepting the record for registration. If the record is incomplete or unsatisfactory, the local registrar shall require the submission of additional information necessary to complete the record before accepting it for registration.

(d) Affix his or her identification to each vital record accepted for registration and document the date of its acceptance.

(e) Transmit, in the manner prescribed by the state registrar, the vital record to the department. The local registrar shall preserve at the local registrar's office information prescribed by the state registrar.

(f) Issue a certificate of registration for a live birth on a form approved by the state registrar and issue certified copies of vital records documents on file pursuant to sections 2881, 2882, and 2891.

(g) Issue a permit for final disposition of a dead body upon receipt of sufficient evidence that death occurred within the local registrar's jurisdiction.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1985, Act 20, Imd. Eff. May 16, 1985 ;-- Am. 1997, Act 30, Imd. Eff. June 19, 1997

Popular Name: Act 368

333.2821 Birth registration required; filing record of birth; time of registration; transmission to childhood immunization registry.

Sec. 2821.

(1) Birth registration is required for each individual born in this state.

(2) A record of birth for each live birth that occurs in this state shall be filed at the office of the local registrar not more than 5 days after the birth. The birth shall be registered when the filing is completed.

(3) Upon receipt of a vital record consisting of a birth registration transmitted by a local registrar pursuant to section 2815(2), the state registrar shall transmit the information contained in the birth registration to the childhood immunization registry created in section 9207 .

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1996, Act 540, Imd. Eff. Jan. 15, 1997

Popular Name: Act 368

333.2822 Individuals required to report live birth occurring in state; "surrender" defined.

Sec. 2822.

(1) The following individuals shall report a live birth that occurs in this state:

(a) If a live birth occurs in an institution or enroute to an institution, the individual in charge of the institution or that individual's designated representative shall obtain the personal data, prepare the certificate of birth, secure the signatures required by the certificate of birth, and file the certificate of birth with the local registrar or as otherwise directed by the state registrar within 5 days after the birth. The physician or other individual in attendance shall provide the medical information required by the certificate of birth and certify to the facts of birth not later than 72 hours after the birth. If the physician or other individual does not certify to the facts of birth within 72 hours, the individual in charge of the institution or the individual's authorized representative shall complete and certify the facts of birth.

(b) If a live birth occurs outside an institution, the record must be prepared, certified, and filed with the local registrar by 1 of the following individuals in the following order of priority:

(i) The physician in attendance at or immediately after the live birth.

(ii) Any other individual in attendance at or immediately after the live birth.

(iii) A parent, or, in the absence of a parent, the individual in charge of the premises where the live birth occurs.

(c) If a newborn is surrendered under the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, the live birth must be reported in the same manner as provided in subdivision (a), except that the parents must be listed as "unknown" and the newborn must be listed as "Baby Doe".

(d) If a live birth occurs during an attempted abortion and the mother of the newborn has expressed a desire not to assume custody and responsibility for the newborn by refusing to authorize necessary life-sustaining medical treatment, the live birth must be reported as follows:

(i) If the attempted abortion took place in an institution, the live birth must be reported in the same manner as provided in subdivision (a), except that the parents must be listed as "unknown" and the newborn must be listed as "Baby Doe".

(ii) If the attempted abortion took place outside an institution, the live birth must be reported in the same manner as provided in subdivision (b), except that the parents must be listed as "unknown" and the newborn must be listed as "Baby Doe".

(2) As used in this section, "surrender" means that term as defined in section 1 of the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2002, Act 691, Eff. Mar. 31, 2003 ;-- Am. 2017, Act 142, Eff. Jan. 28, 2018 ;-- Am. 2024, Act 25, Eff. Apr. 2, 2025

Popular Name: Act 368

333.2823 Registration of live birth occurring in moving conveyance.

Sec. 2823.

(1) When a live birth occurs in a moving conveyance in the United States and the child is first removed from the conveyance in this state, the birth must be registered in this state. Except as otherwise provided in section 2823a, the place where the child is first removed from the conveyance must be shown as the place of birth.

(2) When a live birth occurs in a moving conveyance while in international waters or air space or a foreign country and the child is first removed from the conveyance in this state, the birth must be registered in this state but the certificate must show the actual place of birth if the place can be determined.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2024, Act 252, Eff. Apr. 2, 2025

Popular Name: Act 368

333.2823a Certificate; place of live birth.

Sec. 2823a.

(1) Except as otherwise provided in subsection (2), when a live birth occurs in this state, the place of birth must be listed on the certificate as follows:

(a) If the live birth occurs in an institution or en route to an institution, the place of birth must be listed as the institution.

(b) If the live birth occurs in or en route to a freestanding birth center licensed under article 17, the place of birth must be listed as the freestanding birth center.

(c) If the live birth occurs in a home, the place of birth must be listed as "home".

(2) The place of birth of a child of unknown parentage who is found is as provided in section 2825.

History: Add. 2024, Act 252, Eff. Apr. 2, 2025

333.2824 Registering name of spouse as parent of child; registering surname of child; consent; acknowledgment of parentage; designating surname of child; entering name of other parent and surname of child on birth certificate; other parent not named on birth registration; reference to legitimacy or illegitimacy prohibited.

Sec. 2824.

(1) Except as otherwise provided by law, the name of the spouse at the time of conception or, if none, the spouse at birth must be registered as the other parent of the child. The surname of the child must be registered as designated by the child's parents.

(2) Except as otherwise provided by law, if the child's mother was not married at the time of conception or birth, the name of the other parent must not be entered on the certificate of birth without the written consent of the mother and without the completion, and filing with the state registrar, of an acknowledgment of parentage by the mother and the individual to be named as the other parent. The acknowledgment of parentage must be completed in the manner provided in the acknowledgment of parentage act. For a certificate of birth completed under this subsection and on the written request of both parents, the surname of the child must be designated by the child's parents.

(3) If the name of the child's other parent cannot be shown under subsection (1) or (2), the child must be given the surname designated by the mother.

(4) If the parentage of a child is determined by a court of competent jurisdiction, the name of a parent must be entered on the certificate of birth as found and ordered by the court. The surname of the child must be entered on the certificate of birth as designated by the child's mother.

(5) If the child's other parent is not named on the birth registration, no other information about the other parent may be entered on the registration.

(6) After May 30, 1979, a birth certificate must not contain a reference to the legitimacy or illegitimacy of a child.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1979, Act 23, Imd. Eff. May 30, 1979 ;-- Am. 1993, Act 115, Imd. Eff. July 20, 1993 ;-- Am. 1996, Act 307, Eff. June 1, 1997 ;-- Am. 2024, Act 25, Eff. Apr. 2, 2025

Popular Name: Act 368

333.2825 Assuming custody of live born child of unknown parentage; form, contents, and filing of report; place of birth; report as birth registration; sealing and opening of report.

Sec. 2825.

(1) A person who assumes custody of a live born child of unknown parentage shall report on a form and in a manner prescribed by the state registrar the following information:

- (a) The date and place of finding the child.
- (b) The sex and approximate birth date of the child.
- (c) The name and address of the person or institution with whom the child is placed for care.
- (d) The name given to the child by the custodian of the child.
- (e) Other data required by the state registrar.

(2) The report shall be filed in the manner prescribed by the state registrar not later than 5 days after the person assumes custody.

(3) The place where the child is found shall be entered as the place of birth.

(4) A report made under this section constitutes the birth registration for the child.

(5) If the child is identified and a birth registration is found or obtained, a report registered under this section shall be sealed and may be opened only by order of a court of competent jurisdiction or as provided by rule.

History: 1978, Act 368, Eff. Sept. 30, 1978
Popular Name: Act 368

333.2827 Failure to register birth within time prescribed; filing certificate of birth; registration of birth subject to evidentiary requirements; marking certificate "delayed" and showing date of delayed registration; endorsing summary statement of evidence on certificate; failure to register due to conflict of information.

Sec. 2827.

(1) When the birth of an individual born in this state has not been registered within the time period prescribed in section 2821, a certificate of birth may be filed in accordance with procedures established pursuant to section 2896 or as otherwise provided under subsection (4). The certificate shall be registered subject to evidentiary requirements the department prescribes to substantiate the alleged facts of birth.

(2) Except as otherwise provided under subsection (4), a certificate of birth registered 1 year or more after the date of birth shall be marked "delayed" and show on its face the date of the delayed registration.

(3) A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

(4) A certificate of birth that was not originally registered due to a conflict of information provided pursuant to section 2824(1) shall be registered upon the resolution of that conflict or upon the child who is the subject of the certificate of birth reaching the age of 18. A certificate of birth registered pursuant to this subsection is considered to have been filed and registered on the date the department originally received the birth information and shall not be marked "delayed".

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2006, Act 567, Imd. Eff. Jan. 3, 2007
Popular Name: Act 368

333.2828 Conditions prohibiting registration of delayed certificate of birth; advising applicant of reasons and right of appeal; dismissal of application; judicial findings and order; forwarding order to state registrar; registration of order as certificate of birth; forwarding copy of delayed registration to local registrar.

Sec. 2828.

(1) If an applicant does not submit the minimum documentation required by rules for delayed registration of a birth or if the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, the state registrar shall not register the delayed certificate of birth and shall advise the applicant of the reasons for this action and of the applicant's right of appeal to the probate court of the county of residence or birth.

(2) The department may provide for the dismissal of an application which is not actively prosecuted.

(3) If, on the basis of the evidence presented, the court finds that the individual for whom a delayed certificate of birth is sought was born in this state, the court shall make findings as to the place and date of birth, parentage, and other findings required by the case and shall issue an order on a form prescribed and furnished by the state registrar to establish a certificate of birth. The order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.

(4) The clerk of the court shall forward the order to the state registrar not later than the tenth day of the calendar month following the month in which the order was entered. The order shall be registered by the state registrar and shall constitute the certificate of birth.

(5) The state registrar shall forward a copy of a delayed registration to the local registrar of the district where the birth occurred.

History: 1978, Act 368, Eff. Sept. 30, 1978
Popular Name: Act 368

333.2829 Report of adoption; form; contents; report when adoption order amended, annulled, or rescinded; duty of probate register or clerk; requirements of birth certificate issued to adopted individual.

Sec. 2829.

(1) For each adoption ordered by the probate court in this state, the court shall prepare a report of adoption on a form prescribed and furnished by the state registrar. The report shall:

- (a) Include the facts necessary to locate and identify the certificate of live birth of the individual adopted.
- (b) Provide information necessary to establish a new certificate of live birth of the individual adopted.
- (c) Identify the adoption order.
- (d) Be certified by the probate register or clerk.

(2) When an adoption order is amended, annulled, or rescinded, the court shall prepare a report which shall include the facts necessary to identify the original adoption report and the facts amended in the adoption order necessary to properly amend the birth record. The report of a rescission of adoption shall include the current names and addresses of the petitioners.

(3) Not later than the tenth day of the calendar month, the probate register or clerk shall forward:

(a) To the state registrar, reports of adoption orders, and amendments, annulments, and rescissions of the orders, entered during the preceding month for individuals born in this state.

(b) To the appropriate registration authority in another state, the United States department of state, or the United States immigration and naturalization service, reports of adoption orders, and amendments, annulments, and rescissions of the orders, entered during the preceding month for individuals born outside this state.

(4) A birth certificate issued to an adopted individual shall conform to the requirements of sections 67 and 68 of chapter X of Act No. 288 of the Public Acts of 1939, as amended, being sections 710.67 and 710.68 of the Michigan Compiled Laws.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1979, Act 208, Eff. May 14, 1980 ;-- Am. 1992, Act 248, Imd. Eff. Nov. 19, 1992

Popular Name: Act 368

333.2830 Adoption of child born outside United States, territory of United States, or Canada; filing, form, and contents of delayed registration of birth; petition for issuance of delayed registration of birth; entering change of name.

Sec. 2830.

(1) If a child whose birth occurred outside the United States, a territory of the United States, or Canada is adopted by a resident of this state under the laws of this state or under the laws of a foreign country, the probate court, on motion of the adopting parent, may file a delayed registration of birth on a form provided by the department. The delayed registration shall contain the date and place of birth and other facts specified by the department.

(2) If the date and place of birth of a child described in subsection (1) cannot be documented from foreign records or a medical assessment of the development of the child indicates that the date of birth as stated in the immigration records is not correct, the court shall determine the facts and establish a date and place of birth and may file a delayed registration of birth as provided in subsection (1).

(3) Upon the petition of a child adopted in this state whose birth occurred outside the United States, a territory of the United States, or Canada, or a petition of the child's adoptive parents, the court that issued an order of adoption for that child before the effective date of this section may issue a delayed registration of birth for the adopted child as provided in subsection (1).

(4) A probate court may, at the request of the adopting parent when filing a delayed registration of birth under subsection (1), enter a new name for the child on the delayed registration of birth. After the filing of a delayed registration of birth that includes a change of name, the new name shall be the legal name of the adopted child.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1994, Act 242, Eff. July 5, 1994 ;-- Am. 2005, Act 22, Imd. Eff. May 19, 2005

Popular Name: Act 368

333.2831 New certificate of birth; establishment; requirements.

Sec. 2831.

The state registrar shall establish a new certificate of birth for an individual born in this state when the registrar receives any of the following:

(a) A report of adoption as provided in section 2829, a report of adoption prepared and filed under the laws of another state or foreign country, or a certified copy of the adoption order, together with the information necessary to identify the original certificate of birth and to establish a new certificate of live birth. However, the state registrar shall not establish a new certificate of live birth if so requested by the court ordering the adoption; the adopting parent; or the adoptee, if the adoptee is an adult.

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

(c) A request that a new certificate be established to show a sex designation other than that designated at birth. The request must be accompanied by a form approved by the director and signed by the individual indicating a sex designation. If the form is accompanied by a court order changing the name of the individual, the new certificate must also reflect the new legal name. The state registrar may not require any additional document or certification other than the form, or, if applicable, the court order, required under this subdivision.

(d) A judgment or a parentage judgment under section 203 or 308 of the assisted reproduction and surrogacy parentage act, 2024 PA 24, MCL 722.1803 and 722.1908, together with the information necessary to identify the original certificate of birth and to establish a new certificate of live birth.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1996, Act 307, Eff. June 1, 1997 ;-- Am. 2024, Act 25, Eff. Apr. 2, 2025 ;-- Am. 2024, Act 230, Eff. Apr. 2, 2025

Popular Name: Act 368

333.2832 New certificate of birth; actual place and date of birth to be shown; substitution for original certificate; inspection; restoration of original certificate upon notice of annulment or rescission of adoption; preparing new certificate on delayed birth certificate form; sealing or forwarding original certificate.

Sec. 2832.

(1) When a new certificate of live birth is established, the actual place and date of birth must be shown. The new certificate must be substituted for the original certificate of live birth. Thereafter, the original certificate and the evidence of adoption, sex designation, or assisted reproduction or surrogacy under the assisted reproduction and surrogacy parentage act are not subject to inspection except as otherwise provided in section 2882(2) or (3) or on a court order. Evidence in support of other birth record changes is subject to inspection as provided in sections 2882 and 2883.

(2) On the receipt of notice of annulment of adoption or a copy of an order of rescission, the original certificate of live birth must be restored to its place in the files. The certificate created under subsection (1) is not subject to inspection except on a court order.

(3) If a certificate of live birth is not on file for the individual for whom a new live birth certificate is to be established under section 2831, a new live birth certificate may be prepared on the delayed birth certificate form in use at the time of the adoption, legitimation, parentage determination, or judgment or parentage judgment under section 203 or 308 of the assisted reproduction and surrogacy parentage act.

(4) When a new certificate of live birth is established by the state registrar, all copies of the original certificate of birth in the custody of a custodian of permanent records in this state must be sealed from inspection or forwarded to the state registrar, as the state registrar directs.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1992, Act 248, Imd. Eff. Nov. 19, 1992 ;-- Am. 1994, Act 206, Eff. Jan. 1, 1995 ;-- Am. 1996, Act 307, Eff. June 1, 1997 ;-- Am. 2024, Act 25, Eff. Apr. 2, 2025
Popular Name: Act 368

333.2833 Recording death on decedent's birth certificate; notification; recordation by department or local registrar; recordation on face of copies of certificate; correction of record.

Sec. 2833.

(1) The death of a person whose birth is registered under this code shall be recorded on the decedent's birth certificate in compliance with this section.

(2) Upon receipt of a certificate of death for a person under 45 years of age, the department shall notify the local registrar of the registration district in which a birth certificate for the decedent is maintained and, if a birth certificate for the decedent is maintained by the department, record the fact of death on the decedent's birth certificate.

(3) If the person was born in another state, the state registrar shall notify the state registrar of vital records in the state of birth that the person is deceased.

(4) Upon receipt of a notice from the department that there is on file in the local registrar's office a birth certificate of a deceased person, the local registrar shall record the fact of death on the birth record of the decedent.

(5) A copy of a birth certificate or certificate of registration issued for records identified and marked in accordance with subsections (1) and (2) shall have recorded on the face of the copy or certificate of registration the fact that the individual is deceased.

(6) Upon receipt of a notice that a record identified and marked in accordance with subsections (1) and (2) has been marked in error, the record may be corrected in accordance with this part.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1980, Act 385, Imd. Eff. Jan. 6, 1981
Popular Name: Act 368

333.2834 Report of fetal death; time, form, and manner; prohibited information; report if dead fetus delivered in or outside institution; notice to medical examiner; investigation and report; use and disposition of confidential statistical reports; disclosure identifying biological parents prohibited; incorporation of records into system of vital statistics; certificate of stillbirth.

Sec. 2834.

(1) A fetal death occurring in this state shall be reported to the state registrar within 5 days after delivery. The state registrar shall prescribe the form and manner for reporting fetal deaths.

(2) The fetal death reporting form shall not contain the name of the biological parents, common identifiers such as social security or drivers license numbers, or other information identifiers that would make it possible to identify in any manner or in any circumstances the biological parents of the fetus. A state agency shall not compare data in an information system file with data in another computer system that would result in identifying in any way a woman or father involved in a fetal death. Statistical information that may reveal the identity of the biological parents involved in a fetal death shall not be maintained. This subsection does not apply after June 1, 2003.

(3) If a dead fetus that has completed at least 20 weeks of gestation or weighs at least 400 grams is delivered in an institution, the individual in charge of the institution or his or her authorized representative shall prepare and file the fetal death report and shall follow the protocols in place for the institution in the event of a death that occurs after a live birth but before being discharged from the institution.

(4) If a dead fetus that has completed at least 20 weeks of gestation or weighs at least 400 grams is delivered outside an institution, the physician in attendance shall prepare and file the fetal death report.

(5) If a fetal death occurs without medical attendance at or after the delivery or if inquiry is required by the medical examiner, the attendant, mother, or other person having knowledge of the fetal death shall notify the medical examiner who shall investigate the cause and prepare and file the fetal death report.

(6) The fetal death reports required under this section and filed before June 1, 2003 are confidential statistical reports to be used only for medical and health purposes and shall not be incorporated into the permanent official records of the system of vital statistics. A schedule for the disposition of these reports shall be provided for by the

department. The department or any employee of the department shall not disclose to any person outside the department the reports or the contents of the reports required by this section and filed before June 1, 2003 in a way that permits the person to whom the report is disclosed to identify the biological parents.

(7) The fetal death reports required under this section and filed on or after June 1, 2003 are permanent vital records documents and shall be incorporated into the system of vital statistics. Access to a fetal death report or information contained on a fetal death report is the same as a live birth record under sections 2882, 2883, and 2888.

(8) With information provided to the department under subsection (7), the department shall create a certificate of stillbirth that conforms as nearly as possible to recognized national standardized forms and includes, but is not limited to, the following information:

(a) The name of the fetus, if it was given a name by the parent or parents.

(b) The number of weeks of gestation completed.

(c) The date of delivery and weight at the time of delivery.

(d) The name of the parent or parents.

(e) The name of the institution in which the fetus was delivered or the name of the health professional in attendance if the delivery was outside an institution.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2002, Act 562, Imd. Eff. Oct. 1, 2002 ;-- Am. 2012, Act 499, Eff. Mar. 31, 2013

Popular Name: Act 368

333.2835-333.2837 Repealed. 2023, Act 209, Eff. Feb. 13, 2024.

Compiler's Notes: The repealed sections pertained to the reporting of abortions and any physical complications or death resulting from abortion and the disposal of fetal remains.

Popular Name: Act 368

333.2841 Death registration required; place of death; failure to report death to law enforcement agency, funeral home, or 9-1-1 operator; violation; penalty.

Sec. 2841.

(1) Death registration is required for each individual who dies in this state. If the place of death is unknown, but the body is found in this state, the death registration shall show this fact and shall be completed and filed in accordance with this section and section 2842. The place where the body is found shall be shown as the place of death.

(2) Except as otherwise provided under this part, an individual who discovers the body of an individual he or she knows or has reason to know is dead and fails to inform a law enforcement agency, a funeral home, or a 9-1-1 operator of the discovery is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. This subsection does not apply to an individual who knows or has reason to know that a law enforcement agency, a funeral home, or a 9-1-1 operator has been informed of the discovery of the body.

(3) A person who violates subsection (2) with the purpose of concealing the fact or cause of death of the individual is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(4) A sentence imposed for a violation of this section may be imposed to run consecutively to any other sentence imposed for a conviction that arises out of the same transaction.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2012, Act 538, Eff. Apr. 1, 2013

Popular Name: Act 368

333.2842 Death registration; death occurring in moving conveyance.

Sec. 2842.

(1) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death registration shall show this fact and be completed and filed in accordance with this part. The place where the body is first removed from the conveyance, shall be shown as the place of death.

(2) When death occurs in a moving conveyance while in international waters or air space or a foreign country and the body is first removed from the conveyance in this state, the death shall be registered in this state in accordance with this part, but the certificate shall show the actual place of death insofar as the place can be determined.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2843 Report of death by funeral director; "dead body" defined; personal data; medical certification; neglecting or refusing to sign death certificate as misdemeanor; penalty; certification and filing of death record; deceased infant; information.

Sec. 2843.

(1) A funeral director who first assumes custody of a dead body, either personally or through his or her authorized agent, shall report the death. For purposes of this subsection, "dead body" includes, but is not limited to, the body of an infant who survived an attempted abortion as described in the born alive infant protection act and who later died. The funeral director or the authorized agent shall obtain the necessary personal data from the next of kin or the best qualified individual or source available and shall obtain medical certification as follows:

(a) If the death occurred outside an institution, the medical certification portion of the death record shall be completed and certified not later than 48 hours after death by the attending physician; or in the absence of the attending physician, by a physician acting as the attending physician's authorized representative; or in the absence of an authorized representative, by the county medical examiner; or in the absence of the county medical examiner, by the county health officer or the deputy county medical examiner. If the death occurred in an institution, the medical certification shall be completed and signed not later than 48 hours after death by the attending physician; or in the absence of the attending physician, by a physician acting as the attending physician's authorized representative; or in the absence of an authorized representative, by the chief medical officer of the institution in which death occurred, after reviewing pertinent records and making other investigation as considered necessary, or by a pathologist.

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

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

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

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

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

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2002, Act 691, Eff. Mar. 31, 2003 ;-- Am. 2013, Act 79, Eff. Sept. 26, 2013
Popular Name: Act 368

333.2843a Ascertaining if deceased person veteran; releasing information for graves registration list of all burials of veterans.

Sec. 2843a.

A funeral director or his or her agent shall ascertain if the deceased person was a veteran of the armed forces of the United States. If the deceased person was a veteran of the armed forces of the United States, the funeral director or his or her agent shall release to the Michigan veterans' trust fund board of trustees and to the department of management and budget all information required for the compilation and maintenance of a graves registration list of all burials of veterans in this state, pursuant to Act No. 9 of the Public Acts of the First Extra Session of 1946, as amended, being sections 35.601 to 35.610 of the Michigan Compiled Laws.

History: Add. 1980, Act 479, Imd. Eff. Jan. 20, 1981
Popular Name: Act 368

333.2843b Physician having actual knowledge of presence in deceased individual of infectious agent; notification of funeral director or authorized agent; refusal to render services prohibited; effective date of subsection (1); confidentiality; rules; violation as misdemeanor.

Sec. 2843b.

(1) If, at the time of death, a physician who is required to complete the medical certification under section 2843(1)(a) has actual knowledge of the presence in the deceased individual of an infectious agent, including acquired immunodeficiency syndrome-related virus, the physician shall notify the funeral director or the funeral director's authorized agent of the appropriate infection control precautions to be taken. The notification required by this subsection shall occur before the body is released to the funeral director or the funeral director's authorized agent. A funeral director or funeral director's authorized agent who receives notification under this subsection shall not refuse to render services as a result of having received the notification. This subsection shall take effect on the effective date of the rules required by subsection (3).

(2) The information contained in the notification required by subsection (1) shall be confidential. A person who receives confidential information under this section shall disclose the information to others only to the extent consistent with the authorized purpose for which the information was obtained.

(3) Within 30 days after the effective date of this subsection, the department shall submit for promulgation under section 48 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being section 24.248 of the Michigan Compiled Laws, rules which define the term "infectious agent" for purposes of this section.

(4) The department may promulgate rules to administer this section.

(5) A person who violates subsection (2) is guilty of a misdemeanor.

History: Add. 1986, Act 185, Imd. Eff. July 8, 1986

Compiler's Notes: Subsection (1) of this section took effect September 2, 1986, the date emergency rules required by subsection (3) were promulgated by the Department of Public Health.

Popular Name: Act 368

333.2844 Referral of case to county medical examiner; determining and certifying cause of death; investigation; completing and signing medical certification; notice to funeral director; final disposition.

Sec. 2844.

(1) When death occurs more than 10 days after the deceased was last seen by a physician, if the cause of death appears to be other than the illness or condition for which the deceased was being treated, or if the attending physician cannot accurately determine the cause of death, the case shall be referred to the county medical examiner for investigation to determine and certify the cause of death. If the county medical examiner determines that the case does not fall within his or her jurisdiction, the county medical examiner shall refer the case back to the deceased's physician within 24 hours for completion of the medical certification.

(2) When an investigation is required under Act No. 181 of the Public Acts of 1953, as amended, being sections 52.201 to 52.216 of the Michigan Compiled Laws, the county medical examiner shall determine the cause of death and shall complete and sign the medical certification within 48 hours after taking charge of the case.

(3) If the cause of death cannot be determined within 48 hours after death, the medical certification may be completed as provided by the department. The attending physician or county medical examiner shall give the funeral director in custody of the body notice of the reason for the delay, and final disposition shall not be made until authorized by the attending physician or medical examiner.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2844a Dental examination of dead body; forwarding records to law enforcement agency; entering information into national crime information center; cancellation of information.

Sec. 2844a.

(1) In deaths investigated by the county medical examiner or deputy county medical examiner where he or she is not able to establish and verify, as required under section 5 of 1953 PA 181, MCL 52.205, the identity of the dead body by visual means, fingerprints, DNA, or other definitive identification procedures, the county medical examiner or deputy county medical examiner may have a qualified dentist, as determined by the county medical examiner or deputy county medical examiner, carry out a dental examination of the dead body. If the county medical examiner or deputy county medical examiner, with the aid of the dental examination and other identifying findings, is still not able to establish the identity of the dead body, the county medical examiner or deputy county medical examiner shall forward the dental examination records to the appropriate law enforcement agency. The law enforcement agency shall enter the information from the dental examination records into the national crime information center pursuant to section 8 of 1968 PA 319, MCL 28.258.

(2) If a person reported missing has not been found within 30 days, the law enforcement agency conducting the investigation for the missing person shall request the family or next of kin of the missing person to give them written consent to contact and request from the dentist of the missing person the person's dental records. The information from the dental records of the missing person shall be entered into the national crime information center by the law enforcement agency pursuant to section 8 of 1968 PA 319, MCL 28.258.

(3) If a person reported missing has been found, the law enforcement agency that entered the information under subsection (2) shall cancel the information.

History: Add. 1980, Act 418, Imd. Eff. Jan. 13, 1981 ;-- Am. 1990, Act 149, Imd. Eff. June 27, 1990 ;-- Am. 2006, Act 570, Imd. Eff. Jan. 3, 2007

Popular Name: Act 368

333.2845 Inability to locate body; registration of death upon receipt of findings of probate court; marking death registration; extension of time periods.

Sec. 2845.

(1) When a death is presumed to have occurred in this state but the body cannot be located, the state registrar may register the death upon receipt of the findings of the probate court, including the personal and medical data required to complete the death registration. The death registration shall be marked "presumptive" and shall show on its face the date of registration and identify the court and the date of decree.

(2) The state registrar may provide for the extension of time periods prescribed for the filing of death

registrations in cases where compliance would result in undue hardship.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2846 Failure to register death within prescribed time period; filing, registering, and marking certificate; evidentiary requirements.

Sec. 2846.

(1) When a death occurring in this state is not registered within the time period prescribed by section 2843, a certificate may be filed in accordance with department procedures. The certificate shall be registered subject to evidentiary requirements the department prescribes to substantiate the alleged facts of death.

(2) A certificate of death registered 1 year or more after the date of death shall be marked "delayed" and shall show on its face the date of the delayed registration.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2847 Death of individual in county in which individual not a resident; information; issuance of certified copy or certificate of registration prohibited.

Sec. 2847.

When a death registration returned by a local registrar to the state registrar indicates that an individual died in a county in which the individual was not a resident, the state registrar shall forward the necessary information monthly to the local registrar of the county in which the individual was a resident. A certified copy or certificate of registration based on this information shall not be issued by a local registrar receiving information under this section.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2848 Authorization for final disposition of dead body or fetus; time; form; retention of permit; religious service or ceremony not required; cremation; moving body; permit issued by other state.

Sec. 2848.

(1) Except as otherwise provided in sections 2844 and 2845, a funeral director or person acting as a funeral director, who first assumes custody of a dead body, not later than 72 hours after death or the finding of a dead body and before final disposition of the body, shall obtain authorization for the final disposition. The authorization for final disposition of a dead body must be issued on a form prescribed by the state registrar and signed by the local registrar or the state registrar.

(2) Unless the mother has provided written consent for research on the dead fetus under section 2688, before final disposition of a dead fetus, irrespective of the duration of pregnancy, the funeral director or person assuming responsibility for the final disposition of the fetus or fetal remains shall obtain from the parents, or parent if the mother is unmarried, an authorization for final disposition on a form prescribed and furnished or approved by the state registrar. The authorization may allow final disposition to be by a funeral director, the individual in charge of the institution where the fetus was delivered or miscarried, or an institution or agency authorized to accept donated bodies, fetuses, or fetal remains under this act. The parents, or parent if the mother is unmarried, may direct the

final disposition to be interment or cremation as those terms are defined in section 2 of the cemetery regulation act, 1968 PA 251, MCL 456.522, or incineration. After final disposition, the funeral director, the individual in charge of the institution, or other person making the final disposition shall retain the permit for not less than 7 years. This section as amended by 2012 PA 499 does not require a religious service or ceremony as part of the final disposition of fetal remains.

(3) If final disposition is by cremation, the medical examiner of the county in which death occurred shall sign the authorization for final disposition.

(4) A body may be moved from the place of death to be prepared for final disposition with the consent of the physician or county medical examiner who certifies the cause of death.

(5) A permit for disposition issued under the law of another state that accompanies a dead body or dead fetus brought into this state is authorization for final disposition of the dead body or dead fetus in this state.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2002, Act 562, Imd. Eff. Oct. 1, 2002 ;-- Am. 2012, Act 499, Eff. Mar. 31, 2013 ;-- Am. 2023, Act 209, Eff. Feb. 13, 2024

Popular Name: Act 368

333.2850 Interment or other disposition of dead body or fetus; duty of individual in charge of premises; record of final disposition.

Sec. 2850.

An individual in charge of premises in which interments or other disposition of dead bodies is made shall not inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by an authorization for final disposition. An individual in charge of a place for final disposition shall keep a record of a final disposition made in the premises under his or her charge. The record shall state the name of the deceased, date and place of death, date of final disposition, and the name and address of the funeral director or person acting as a funeral director.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2851 Permit request for disinterment of dead human body.

Sec. 2851.

(1) Subject to any other provision of this part, a person who has authority to make arrangements for a dead human body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, also has authority to request a permit for the disinterment of a dead human body under section 2853 notwithstanding the lack of consent of, or 1 or more objections of, a person who owns or possesses ownership rights over the place of repose. A person who owns or possesses ownership rights over the place of repose shall not bear any cost associated with the disinterment unless that person initiates the disinterment or is otherwise legally obligated for the costs of the disinterment.

(2) This section does not void or otherwise affect a gift made pursuant to part 101.

History: Add. 1996, Act 284, Imd. Eff. June 17, 1996 ;-- Am. 2006, Act 301, Imd. Eff. July 20, 2006

Popular Name: Act 368

333.2852 Weather conditions requiring storage of dead body; authorization for delayed interment;

disinterment and reinterment permit not required.

Sec. 2852.

When weather conditions prevent an immediate interment of a dead body and storage is necessary, the individual in charge of a cemetery shall obtain written authorization for delayed interment signed by the next of kin or authorized agent. The authorization shall specify the approximate hour and date of interment and place of temporary storage. This storage is not considered interment and a disinterment and reinterment permit is not required.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2853 Permit for disinterment and reinterment required; issuance; forms for permits and applications; retention of application; copy of permit as permanent record; petition for disinterment order.

Sec. 2853.

(1) A permit for disinterment and reinterment is required before disinterment of a dead body. The local health department in whose jurisdiction the body is interred shall issue the permit upon proper application by a licensed funeral director or person acting as a funeral director in accordance with rules promulgated by the department.

(2) A person shall not disinter or permit the disinterment of a dead body in a cemetery and the body's reinterment in a cemetery or removal from the cemetery unless a disinterment and reinterment permit is issued by the local health department in the jurisdiction in which the cemetery is located.

(3) The department shall prepare and furnish to local health departments the forms for permits and applications therefor, which shall be used in the procedures prescribed by this section and section 2852.

(4) The local health department shall retain an application for a disinterment and reinterment permit for not less than 5 years. A duplicate copy of the permit shall be maintained in permanent records of the cemetery from which the body was disinterred.

(5) If a required consent cannot be obtained, a person may petition the circuit court of the county in which the cemetery is located for a disinterment order.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

Admin Rule: R 325.8051 et seq. of the Michigan Administrative Code.

333.2854 Failure to comply with provisions of MCL 333.2848; violation; state civil infraction; civil fine.

Sec. 2854.

A person who violates this part by failing to obtain the proper authorization for final disposition of a dead body as provided under section 2848 is responsible for a state civil infraction as provided under chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, and may be ordered to pay a civil fine of not more than \$1,000.00 per violation.

History: Add. 2012, Act 499, Eff. Mar. 31, 2013 ;-- Am. 2023, Act 209, Eff. Feb. 13, 2024

Popular Name: Act 368

333.2855 Autopsy; physician to perform; consent; ordering of autopsy; exceptions; removal, retention, or use of pituitary gland; conditions; charge; submitting pituitary gland for treatment of human being; agreement.

Sec. 2855.

(1) An autopsy shall not be performed upon the body of a deceased individual except by a physician who has been granted written consent to perform the autopsy by the person with authority over the burial or disposition of the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. This section does not prevent the ordering of an autopsy by a medical examiner or a local health officer.

(2) This section does not apply to a department of anatomy in a school of medicine in this state or to an autopsy, postmortem, or dissection performed pursuant to and under the authority of any other law.

(3) A local health officer may order an autopsy if necessary to carry out the functions vested in a local health department by this code.

(4) A physician, including a medical examiner, performing an autopsy pursuant to subsection (1), (2), or (3) may remove, retain, or use the pituitary gland of the deceased individual if the removal, retention, or use of the pituitary gland is for purposes of medical research, education, or therapy, and the physician is unaware of any direction made by the deceased individual before death or of an objection made by the next of kin of the deceased individual that a part of the deceased individual's body not be removed.

(5) If consent for the performance of the autopsy is required pursuant to subsection (1), the physician shall obtain consent from the same individual for the removal, retention, or use of the pituitary gland of the deceased individual pursuant to subsection (4).

(6) Except for a reasonable charge related to the actual costs incurred and incident to removing and handling the pituitary gland, the removed pituitary gland shall be submitted, without charge, to hospitals, medical education or research institutions, or to individuals or organizations for the purpose of treating another human being. The hospital, medical education or research institution, or other individual or organization receiving the gland shall agree to furnish the gland, or a hormone produced from the gland, without charge.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1982, Act 3, Imd. Eff. Feb. 4, 1982 ;-- Am. 2006, Act 301, Imd. Eff. July 20, 2006
Popular Name: Act 368

333.2855a Public display of autopsy photograph; court action; applicability of section to internet service provider; constitutionally protected speech or activity not prohibited; definitions.

Sec. 2855a.

(1) A person shall not publicly display an autopsy photograph of a decedent that identifies the decedent by name, face, or other identifying physical feature unless 1 of the following conditions is met:

(a) One of the following individuals specifically provides written authorization for the public display of the autopsy photograph:

(i) A person nominated by will or other writing signed by the decedent.

(ii) If an individual described in subparagraph (i) cannot be identified or located following a diligent and good faith effort, the decedent's spouse.

(iii) If an individual described in subparagraph (i) or (ii) cannot be identified or located following a diligent and good faith effort, an adult child of the decedent.

(iv) If an individual described in subparagraph (i), (ii), or (iii) cannot be identified or located following a diligent and good faith effort, a parent of the decedent.

(v) If an individual described in subparagraph (i), (ii), (iii), or (iv) cannot be identified or located following a diligent and good faith effort, the next of kin of the decedent.

(vi) If an individual described in subparagraph (i), (ii), (iii), (iv), or (v) cannot be identified or located following a diligent and good faith effort, an individual charged by law with the responsibility for burial or cremation of the decedent's body.

(b) The public display of the autopsy photograph is 1 of the following:

(i) Upon written authorization by the prosecuting attorney having jurisdiction for a purpose directly related to the investigation or prosecution of a criminal case.

(ii) Authorized by a court of competent jurisdiction for a purpose directly related to the proceedings in a civil case.

(iii) Required for a health department to carry out its lawful duties.

(iv) Necessary for legitimate research or teaching of only medical, public health, or public safety personnel or students enrolled at a postsecondary educational institution.

(2) A decedent's parent, surviving spouse, and children who are injured as a result of a violation of this section may bring an action in a court of competent jurisdiction to recover \$1,000.00 or actual damages, whichever is greater, plus costs and reasonable attorney fees.

(3) This section does not apply to an internet service provider or computer network service provider who in good faith, and without knowledge of the content of the photograph, provides the medium for public display of the photograph. As used in this subsection, "internet service provider" means a person who provides a service that enables users to access content, information, electronic mail, or other services offered over the internet.

(4) This section does not prohibit constitutionally protected speech or activity.

(5) As used in this section:

(a) "Autopsy photograph" means an image of a decedent obtained during an autopsy of that decedent in this state, and includes an image on videotape, motion picture or other film, or an image captured by digital means.

(b) "Decedent" means a deceased human being.

(c) "Public display" means to knowingly communicate, exhibit, or display in open view or to distribute to members of the public or in a public manner, whether or not for commercial purposes, through any medium of communication including, but not limited to, the internet or a computer, computer network, computer program, or computer system, as those terms are defined in section 2 of 1979 PA 53, MCL 752.792.

History: Add. 2003, Act 322, Eff. Mar. 31, 2004

333.2861 Original marriage license certificates; filing; incorporating information relating to marriages in system of vital statistics.

Sec. 2861.

(1) A local registrar shall file with the state registrar original marriage license certificates, including applications and licenses, in accordance with Act No. 128 of the Public Acts of 1887, as amended, being sections 551.101 to 551.111 of the Michigan Compiled Laws, and Act No. 180 of the Public Acts of 1897, as amended, being sections 551.201 to 551.204 of the Michigan Compiled Laws.

(2) The state registrar shall incorporate the information relating to marriages in this state in the system of vital statistics.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2864 Report of divorce proceedings; filing; forms; specifying number of divorces granted; report by party petitioning for divorce; signing and filing report; incorporating divorce reports in system of vital statistics.

Sec. 2864.

(1) Before the fifth day of each calendar month the clerk of a circuit court shall file with the state registrar a report of divorce proceedings in the court for the preceding month.

(2) The report shall be made on forms prescribed by the state registrar and shall specify the number of divorces granted.

(3) A party petitioning for a divorce shall file with the petition a report, on a form prescribed and furnished by the state registrar to the county clerk, which shall include the information prescribed by the state registrar. When a divorce is granted the clerk of the court shall sign and file the report with the state registrar together with the monthly reports required by this section.

(4) The state registrar shall incorporate the divorce reports in the system of vital statistics.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2867 Information necessary to complete birth, death, marriage, or divorce registration; furnishing on demand; attesting accuracy of personal data regarding live birth registration.

Sec. 2867.

(1) Upon the demand of the state registrar, local registrar, or other person responsible for the filing of vital records, a person who has information necessary to complete a birth, death, marriage, or divorce registration shall furnish that information to the person making the demand, who shall forward the information to the state registrar.

(2) A parent of a child shall attest to the accuracy of the personal data provided for in a live birth registration in time to permit filing within the 5 days prescribed in section 2821.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2871 Amendment of certificate or record; procedures; requirements; rules.

Sec. 2871.

(1) A certificate or record registered under this part may be amended only in accordance with this part or procedures adopted under section 2896.

(2) Except as provided in subsection (3) and section 2872(1), a certificate or record amended under this section, section 2872, or section 2873 shall:

- (a) Have the original information contained in the amended item expunged.
- (b) Be marked "amended".
- (c) Contain the date of the amendment.
- (d) Identify the item amended.

(3) The department shall promulgate rules to prescribe the conditions under which an addition or minor amendment may be made to a certificate or record not later than 1 year after the date of the event without the certificate or record being considered as amended.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2872 Acknowledgment of paternity; creating new certificate of birth; changing surname of child; sealing original certificate; addendum to certificate of live birth; creating new live birth certificate and sealing original.

Sec. 2872.

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

(2) Upon receipt of a certified copy of a court order changing the name of an individual born in this state and upon request of the individual or the individual's parents, guardian, or legal representative, the state registrar shall affix an addendum to the individual's certificate of live birth, which must state the individual's new name and identify the court order. The state registrar shall create a new live birth certificate and seal the original certificate only if the court order changing the individual's name specifically directs the state registrar to do so or if the request relates to a minor whose name is changed under section 1 of chapter XI of the probate code of 1939, 1939 PA 288,

MCL 711.1.

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

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2024, Act 230, Eff. Apr. 2, 2025

Popular Name: Act 368

333.2873 Conditions precluding amendment of vital record; reason for refusal; appeal; reporting amendment; preservation of original information.

Sec. 2873.

(1) If an applicant does not submit the minimum documentation required by the department for amending a vital record or if the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for the refusal. The applicant shall have the right to appeal to a circuit court.

(2) When a certificate is amended under this section or section 2871 or 2872, the state registrar shall report the amendment to the appropriate custodian of permanent local records who shall amend the record accordingly.

(3) The original information contained in a vital record which is amended shall be preserved by the state registrar in accordance with section 2876.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2876 Preservation of vital records and vital statistics; procedures.

Sec. 2876.

The department shall provide by electronic or other means or by reproduction pursuant to the records media act for the preservation of vital records and vital statistics made or received by the department. Procedures shall be consistent with those established under the authority of part 26. The procedures shall require that vital records be stored in a manner reasonably calculated to assure the indefinite preservation of the information contained in the vital records against loss or destruction.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1992, Act 196, Imd. Eff. Oct. 5, 1992

Popular Name: Act 368

333.2881 Procedures applicable to system of vital statistics; request and fee for verification of facts; request and fee for name and location of court which finalized adoption.

Sec. 2881.

(1) The procedures established by the department pursuant to part 26 to protect the confidentiality of records and to regulate the disclosure of data contained in a departmental data system or system of records are applicable to the system of vital statistics.

(2) Except as otherwise provided in section 2890, upon written request and payment of the prescribed fee, the state registrar or local registrar shall verify for any person the following facts:

- (a) The name or names of the individual to whom the vital record pertains.
- (b) The nature of the event.
- (c) The date of the event.
- (d) The place of the event.
- (e) The date of filing.

(3) Upon written request of an adult person who has been adopted, and payment of a fee as prescribed in section 2891, the department shall inform the requester of the name and location of the court which finalized the adoption.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1979, Act 208, Eff. May 14, 1980 ;-- Am. 1987, Act 83, Imd. Eff. June 29, 1987

Popular Name: Act 368

333.2882 Issuance of certain certified copies; request; fee; request of adopted adult or confidential intermediary; phrase to be marked on certificate provided under subsection (2) or (3).

Sec. 2882.

(1) Except as otherwise provided in section 2890, on receipt of a written request and payment of the prescribed fee, if any, the state registrar or local registrar shall issue the appropriate 1 of the following:

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

- (i) The individual who is the subject of the record.
- (ii) A parent named in the record.
- (iii) An heir, a legal representative, or a legal guardian of the individual who is the subject of the record.
- (iv) A court of competent jurisdiction.
- (b) If the live birth record is 100 or more years old, a certified copy of the live birth record to any applicant.
- (c) A certified copy of a death record, including the cause of death, to any applicant.
- (d) A certified copy of a marriage or divorce record to any applicant, except as provided by rule.
- (e) A certified copy of a fetal death record that was filed before September 30, 1978, to any applicant.

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

(3) On receipt of a written request of a confidential intermediary appointed under section 68b of the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.68b, presentation of a certified copy of the order of appointment, identification of the name of the adult adoptee, and payment of the required fee, the state registrar shall issue to the confidential intermediary a copy of the original certificate of live birth of the adult adoptee on whose behalf the intermediary was appointed.

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

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1987, Act 83, Imd. Eff. June 29, 1987 ;-- Am. 1994, Act 186, Imd. Eff. June 20, 1994 ;-- Am. 1994, Act 206, Eff. Jan. 1, 1995 ;-- Am. 1996, Act 307, Eff. June 1, 1997 ;-- Am. 1997, Act 54, Imd. Eff. July 1, 1997 ;-- Am. 2002, Act 544, Imd. Eff. July 26, 2002 ;-- Am. 2002, Act 691, Eff. Mar. 31, 2003 ;-- Am. 2020, Act 209, Imd. Eff. Oct. 15, 2020

Popular Name: Act 368

333.2882a Heirloom birth certificate; issuance; administration; fee; design; seal; signature of governor; marketing and promotion; certificate not official record; section to be referred to as "Pam Posthumus law."

Sec. 2882a.

(1) In addition to the birth record copies and certificates issued under section 2882 and subject to the limitations of section 2882(1)(a) and (b), the state registrar shall issue, upon request and payment of the fee prescribed in subsection (2), an heirloom birth certificate representing the birth of the individual named on the original birth record or certificate. The state registrar may establish procedures for the administration of an heirloom birth certificate. The state registrar shall establish procedures to allow the purchase of a gift card or certificate that can be redeemed by a person eligible to purchase an heirloom birth certificate under this section.

(2) The fee for each heirloom certificate of birth is \$40.00. The state registrar shall transmit \$20.00 of each fee collected under this section to the state treasurer for deposit as a gift or donation into the children's trust fund created in 1982 PA 249, MCL 21.171 to 21.172.

(3) The department shall design each heirloom birth certificate available for issue under subsection (1) consistent with the form and content prescribed under section 2811 and so that it is suitable for display. An heirloom birth certificate may bear the seal of the state and may be signed by the governor.

(4) The department shall market and promote heirloom birth certificates available under this section.

(5) An heirloom birth certificate issued under this section is not an official record of birth and is not the active birth certificate of the individual whose name appears on the document.

(6) This section may be referred to as the "Pam Posthumus law".

History: Add. 2011, Act 28, Imd. Eff. May 16, 2011 ;-- Am. 2012, Act 127, Imd. Eff. May 8, 2012

Popular Name: Act 368

333.2883 Furnishing copies or data from system of vital statistics; requirements; availability of copies of certificates or reports.

Sec. 2883.

(1) The department may furnish copies or data from the system of vital statistics to the federal agency responsible for national vital statistics if the federal agency shares in the cost of collecting, processing, and transmitting the data, and if the data is not used for other than statistical purposes by the federal agency unless authorized by the state registrar.

(2) The department may furnish copies or data from the system of vital statistics to federal, state, local, and other public or private agencies for statistical or administrative purposes upon terms or conditions prescribed by the department if the copies or data are used only for the purpose for which requested unless otherwise authorized by the state registrar.

(3) The department may make available copies of certificates or reports required under this part or data derived from the certificates or reports that the department determines are necessary to local health agencies for local health planning and program activities.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2884 Transmitting transcripts of records and other reports to offices of vital statistics outside state; agreement; return of transcripts; transcripts received from other jurisdictions.

Sec. 2884.

The state registrar, by agreement, may transmit transcripts of records and other reports required by this part to offices of vital statistics outside this state when the records or other reports relate to residents of those jurisdictions or individuals born in those jurisdictions. The agreement shall require that the transcripts be used for statistical and administrative purposes only as specified in the agreement. The transcripts shall be returned by the other jurisdiction not later than 2 years after the date of the event or after the statistical tabulations have been accomplished, whichever is sooner. Transcripts received from other jurisdictions by the department in this state shall be handled in the same manner.

History: 1978, Act 368, Eff. Sept. 30, 1978
Popular Name: Act 368

333.2885 Transmission of vital records to library of Michigan.

Sec. 2885.

(1) The state registrar may transmit on microfilm or microfiche or by other electronic means copies of the following vital record certificates or reports or indexes of the certificates or reports from the system of vital statistics to the library of Michigan to be made available to the public to facilitate genealogical research:

- (a) Each death record certificate that is 75 years old or older.
- (b) Each marriage record certificate that is 75 years old or older, excluding those marriage record certificates issued under 1897 PA 180, MCL 551.201 to 551.204.
- (c) Each divorce record that is 75 years old or older.
- (d) Each birth record certificate that is 110 years old or older unless the certificate has been sealed or the disclosure of that certificate is otherwise prohibited by law.

(2) To further facilitate genealogical research, the state registrar may do 1 or more of the following:

- (a) Establish and implement a web-based mechanism to provide the public with internet access to those vital record certificates or reports or indexes of the certificates or reports described under subsection (1).
- (b) Transmit copies of those vital record certificates or reports or indexes of the certificates or reports described under subsection (1) to federal, state, local, and other public or private entities.

(3) Vital records described under subsection (1)(a), (b), and (c) that were previously sealed by law or rule shall be unsealed and may be released by the state registrar as historical copies of the certificate of a vital event.

(4) The state registrar shall establish procedures for the transmission of those documents described in subsection (1). The state registrar may establish procedures for the updating and correcting of those documents described under subsection (1) that are subsequently amended or replaced.

(5) Vital records copies or information released by the state registrar in accordance with this section and no longer under the supervisory control of the state registrar shall not be considered prima facie evidence of the facts within those copies or other information.

History: Add. 2006, Act 73, Imd. Eff. Mar. 20, 2006
Popular Name: Act 368

Compiler's Notes: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

333.2886 Certified copies considered same as original; prima facie evidence.

Sec. 2886.

A certified copy of a vital record, or any part thereof, or a certificate of registration issued in accordance with sections 2881 and 2882 is considered for all purposes the same as the original and is prima facie evidence of the facts stated in the original.

History: 1978, Act 368, Eff. Sept. 30, 1978
Popular Name: Act 368

333.2888 Inspection of vital records, disclosure of information, and issuance of copies; procedures; appeal to state registrar.

Sec. 2888.

(1) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the system of vital statistics, a person or governmental entity shall not permit inspection of, disclose information contained in vital records, or copy or issue a copy of all or part of a record except as authorized by this part, by rule, or by order of a court of competent jurisdiction. Vital records and information or any part of the information contained in a vital record is not subject to the provisions of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Procedures shall provide for adequate standards of security and confidentiality of vital records.

(2) The department may establish procedures for the disclosure of information contained in vital records for research purposes.

(3) An appeal from a decision of a custodian of permanent local records refusing to disclose information, or to permit inspection of or copying of records under the authority of this section and procedures adopted under section 2896, shall be made to the state registrar, whose decision is binding on the local custodian of permanent local records.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2002, Act 562, Imd. Eff. Oct. 1, 2002

Popular Name: Act 368

Admin Rule: R 325.3231 et seq. of the Michigan Administrative Code.

333.2889 Tagging birth certificate of missing child; notifying state police of request for copy of certificate; matching LEIN entry and certificate; tagging by local registrar; removal of tag.

Sec. 2889.

(1) Upon notification pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, that a person less than 17 years of age who was born in this state is missing, the state registrar shall immediately tag the birth certificate of that person in a manner that will alert the registrar to the fact that the birth certificate is that of a missing child. The state registrar shall immediately notify the appropriate local registrars to similarly tag the birth certificate or appropriate document of the missing child. The state registrar shall check to see if a request for a copy of the missing child's birth certificate was received within 14 days preceding the tagging of the birth certificate. If a request had been received, the state registrar shall immediately notify the state police of the request.

(2) The state registrar may access the law enforcement information network to obtain from the law enforcement agency reporting the missing person information necessary to provide a positive match between the missing person's LEIN entry and the missing person's birth certificate.

(3) Upon notification by the state registrar pursuant to subsection (1), the local registrar shall immediately tag the birth certificate or appropriate document of a missing child in a manner that will alert the registrar to the fact that the birth certificate is that of a missing child.

(4) Upon notification pursuant to section 8 of Act No. 319 of the Public Acts of 1968 that the information entered into the law enforcement information network regarding a missing child has been canceled, the state registrar shall remove the tag from the child's birth certificate not later than 7 days after receiving the notice.

(5) Upon removal of a tag by the state registrar pursuant to subsection (4), the state registrar shall immediately notify the local registrar who shall remove the tag from the missing child's birth certificate or appropriate document not later than 7 days after receiving the notice from the state registrar.

History: Add. 1987, Act 83, Imd. Eff. June 29, 1987

Popular Name: Act 368

333.2890 Issuing birth certificate, certificate of registration, or information by mail; marking phrase "missing person" on face of document; telephoning state registrar upon receipt of request for tagged record; providing state registrar with certain information; telephoning state police; notice to law enforcement agency.

Sec. 2890.

(1) If a missing child's birth certificate is tagged pursuant to section 2889, the state registrar and local registrar shall only issue a copy of the missing child's birth certificate, certificate of registration, or otherwise verify, certify, or provide information concerning the items indicated in section 2881(2) by mail. The document mailed shall have the phrase "missing person" marked on the face of the document and shall not be mailed until at least 72 hours have passed from the time the registrar notified the department of state police pursuant to subsection (2).

(2) A local registrar shall immediately telephone the state registrar upon receipt of a request for a record tagged pursuant to section 2889 and shall provide as soon as possible a copy of the written request and any pertinent information such as the requester's name, address, and if requested in person, the requester's driver's license number, to the state registrar. If the state registrar receives a request for a record tagged pursuant to section 2889 or the local registrar notifies the state registrar of the receipt of a request for a tagged record, the state registrar shall immediately telephone the state police and shall provide as soon as possible a copy of the written request and any pertinent information such as the requester's name, address, and if requested in person, the requester's driver's license number, to the department of state police. The department of state police shall immediately notify the appropriate law enforcement agency of a request for a tagged record and shall forward to that agency the information received from the registrar.

History: Add. 1987, Act 83, Imd. Eff. June 29, 1987

Popular Name: Act 368

333.2891 Search for vital record; request; fee; official statement if record not located; verification of identity; fees for search, establishment, or registration; furnishing copies without charge; fees for creation of new vital records and corrections of vital records; additional fees; disposition of fees; system of fees for local registrars; vital records fund; "central issuance system" defined.

Sec. 2891.

(1) The state registrar or a local registrar shall, on receipt of a written request and payment of the prescribed fee, conduct a search for a vital record for an individual who purports to be eligible under section 2882 or for an agency under section 2883(2) to receive a certified copy, administrative use copy, or a statistical use copy of the requested vital record. However, if a local registrar receives a written request and payment of the fee charged by the local registrar under this section from an individual who purports to be eligible under section 2882 to receive a certified copy of an allowable individual's birth record, the local registrar shall notify the state registrar. On receipt of the notification, the state registrar shall conduct a search for the allowable individual's birth record within 24 hours and shall do 1 of the following, as applicable:

(a) If the local registrar has access to the central issuance system, electronically transmit the allowable individual's birth record to the local registrar. If the local registrar does not have access to the central issuance system, mail a copy of the allowable individual's birth record to the local registrar. This subdivision does not apply to a request for a birth record described in section 2882(2) or (3). As used in this subdivision, "central issuance system" means the database maintained by the state registrar from which a state certified copy of a birth record may be issued.

(b) If the allowable individual's birth record cannot be located after conducting the search for the record, notify the local registrar of that fact.

(2) Except as otherwise provided in subsection (1)(b), if a search for a vital record is conducted by the state registrar and the vital record cannot be located, the state registrar shall issue an official statement that the vital record could not be located instead of a certified copy or an administrative use copy of the vital record. If a search for a vital record is conducted by a local registrar and the vital record cannot be located, the local registrar may issue an official statement as described in this subsection, and the local registrar may waive the prescribed fee.

(3) The state registrar or a local registrar may require an applicant who requests a certified copy, an administrative use copy, or a statistical use copy of a vital record to provide verification of the applicant's identity before releasing the vital record if eligibility for the vital record is restricted under section 2882.

(4) Subject to subsection (8), (19), or (20), the fees for a search for a vital record are as follows:

(a) A search including 1 certified copy, 1 administrative use copy, or 1 statistical use copy of a vital record or an official statement issued by the state registrar that a vital record could not be located	\$34.00
(b) Additional identical copies ordered at the same time	\$16.00 per copy

- (c) Additional years searched \$12.00
per year
- (d) An authenticated copy \$42.00
- (e) Additional authenticated copies ordered at the same time \$26.00
per
copy
- (f) Verification of facts delineated in section 2881(2) \$18.00
- (g) Except as otherwise provided in subdivision (h), a request for an expedited search for a vital record under this subsection \$12.00
- (h) A request for an expedited search for an authenticated copy of a vital record under subdivision (d) \$25.00
- (5) The fees for establishment or registration of a vital record are as follows:
- (a) Application for establishment of a delayed certificate of birth or death that includes 1 certified copy or an official denial of the application \$50.00
- (b) Registration of a delayed certificate of birth for a foreign born adopted child that includes 1 certified copy \$50.00
- (6) On receipt of a formal application of a soldier; sailor; marine; member of the United States Coast Guard; nurse; member of a women's auxiliary; or other individual who is entitled to a bonus, a pension, or other compensation under a law of this state, the United States, or another state or territory of the United States or a service auxiliary for a vital record for the purpose of obtaining the bonus, pension, or compensation, the state registrar shall furnish 1 certified copy of the vital record requested without charge. If the individual who is entitled to the vital record is deceased or mentally incompetent, the state registrar may furnish the copy to an heir, guardian, or legal representative of the individual. The state registrar shall label a certified copy furnished under this subsection with the following statement: "for veteran's benefits only, not for personal use".
- (7) On receipt of a formal application, the state registrar or a local registrar shall furnish a certified copy of a vital record without charge to a licensed child placing agency representing a child for adoption purposes. The state registrar or local registrar shall label a certified copy provided under this subsection with the following statement: "for adoption purposes only, not for personal use".
- (8) The state registrar shall comply with all of the following:
- (a) Subject to subdivision (b), on formal application, charge an individual who is 65 years of age or older a fee of \$14.00 for a search for and 1 certified copy of the individual's birth record.
- (b) If the state registrar receives notice from a local registrar under subsection (1), conduct the search and provide the birth record or notification as provided in that subsection without charge to the local registrar or the individual requesting the record.
- (9) The state registrar shall charge the following fees for the creation of new vital records and corrections of vital records:
- (a) Application to create a new certificate of birth following an adoption; legal change of name for minors; acknowledgement of parentage; sex change; legitimation; order of filiation; a judgment or parentage judgment under the assisted reproduction and surrogacy parentage act; or a request to replace a court filed certificate of adoption \$50.00
- (b) Subject to subsection (10), application received within 1 year of the date of the event to create a new certificate of birth or death to correct obvious minor errors and omissions \$50.00
- (c) An application with a request for an expedited creation of a new certificate under this subsection \$25.00
- (10) The errors and omissions that may be corrected under subsection (9)(b) are limited to the following:
- (a) The addition of a given first or middle name if a name was not recorded at the time of filing.
- (b) A change to a Social Security number.
- (c) The addition of information originally specified as unknown or that was omitted by error.
- (d) A minor spelling change.
- (11) The state registrar shall charge a fee of \$50.00 for an application to amend birth and death records more than 1 year after the date of the event for the purpose of adding information or correcting an error in information recorded on the document. The state registrar shall charge a fee of \$25.00 for an application with a request for an expedited amendment to a birth or death record under this subsection.
- (12) The state registrar shall not charge a fee for any of the following:
- (a) Changing a vital record to correct an error made within the office of a local registrar or the state registrar.
- (b) Correcting an error if the correction is initiated by the state registrar.
- (c) Correcting a vital record if the correction is requested by a county medical examiner for a case within the county medical examiner's jurisdiction.
- (d) Correcting a record if the correction is ordered by a court of competent jurisdiction following denial by the department of an application to make the correction.

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

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

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

(15) A local registrar shall deposit fees collected under this section as the governing body of the city or county directs. The state registrar shall transmit fees collected under this section to the state treasurer for deposit into the vital records fund created in section 2892.

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

(17) The state registrar or a local registrar shall not charge a fee other than a fee prescribed in this section. However, a local governmental unit may adopt a system of fees for local registrars under the jurisdiction of the local governmental unit for a search that provides for fees less than those set forth in this section, and a charter county with a population of more than 1,500,000 may adopt a system of fees for a local registrar under the jurisdiction of that charter county that provides for fees more than those set forth in this section. However, a charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged.

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

(a) The governing body of a local governmental unit that has jurisdiction over a local registrar may adopt a system of fees for the local registrar that provides for fees less than or equal to the fees set forth in subsection (4). These fees must only be used for the maintenance and sustenance of the vital records fees program, to alleviate any burden to the taxpayers to provide this worthwhile program. A charter county with a population of more than 1,500,000 may adopt a system of fees for a local registrar under the jurisdiction of that charter county that provides for fees that are more than the fees set forth in subsection (4). A charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged. A system of fees adopted under this subdivision must be used by all local registrars under the jurisdiction of the local governmental unit and must be reasonably related to the cost incurred by the local registrar in making the search.

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

(19) On receipt of a formal application, the state registrar shall conduct a search for and furnish to an individual 1 certified copy of the individual's vital record, without charge, if the individual presents all of the following to the state registrar:

(a) A homeless verification letter that states that the individual meets the definition of category 1 homeless as that term is defined by the United States Department of Housing and Urban Development. A verification letter provided under this subdivision must be submitted on the official letterhead of a public service agency. The department may verify the information contained in the letter with the agency of issuance before issuing a certified copy of the vital record.

(b) A photo identification card for the individual that is generated from the United States Department of Housing and Urban Development homeless management information system.

(c) Any information required by the state registrar under subsection (3).

(20) The state registrar shall not charge a fee under subsection (4) for a search and not more than 2 certified copies or authenticated copies of a certificate or other record of stillbirth described in section 2882(1)(a).

History: 1978, Act 368, Imd. Eff. Sept. 30, 1978 ;-- Am. 1980, Act 522, Imd. Eff. Jan. 26, 1981 ;-- Am. 1981, Act 63, Imd. Eff. June 8, 1981 ;-- Am. 1984, Act 296, Imd. Eff. Dec. 20, 1984 ;-- Am. 1992, Act 78, Imd. Eff. June 2, 1992 ;-- Am. 2001, Act 31, Imd. Eff. June 29, 2001 ;-- Am. 2004, Act 467, Imd. Eff. Dec. 28, 2004 ;-- Am. 2013, Act 136, Imd. Eff. Oct. 15, 2013 ;-- Am. 2019, Act 89, Imd. Eff. Oct. 7, 2019 ;-- Am. 2020, Act 53, Eff. June 1, 2020 ;-- Am. 2020, Act 209, Imd. Eff. Oct. 15, 2020 ;-- Am. 2024, Act 25, Eff. Apr. 2, 2025

Compiler's Notes: Enacting section 1 of Act 136 of 2013 provides: "Enacting section 1. This amendatory act takes effect October 1, 2013."

Popular Name: Act 368

333.2892 Vital records fund creation; duties of state treasurer; disposition of fund; administrator of fund; expenditures; limitation.

Sec. 2892.

(1) The vital records fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the vital records fund. The state treasurer shall direct the investment of money or other assets in the vital records fund. The state treasurer shall credit to the vital records fund interest and earnings from the investment of money or other assets in the vital records fund. Money in the vital records fund at the close of the fiscal year shall remain in the vital records fund and shall not lapse to the general fund.

(2) The department of technology, management, and budget is the administrator of the fund for auditing purposes. The department of technology, management, and budget shall expend money from the fund, upon appropriation, only for the maintenance and sustainability of the system of vital statistics in this state.

History: Add. 2013, Act 136, Imd. Eff. Oct. 15, 2013

Compiler's Notes: Enacting section 1 of Act 136 of 2013 provides: "Enacting section 1. This amendatory act takes effect October 1, 2013."

Popular Name: Act 368

333.2894 Prohibited conduct.

Sec. 2894.

(1) A person shall not:

(a) Wilfully and knowingly refuse to provide vital records information required by this part or the rules promulgated pursuant to this part.

(b) Wilfully and knowingly make a false statement in a vital record or report required to be filed under this code, or in an application for an amendment or for a certified copy of a vital record.

(c) Wilfully and knowingly supply false information intending that the information be used in the preparation of a vital record or amendment thereof.

(d) Wilfully and knowingly obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another person, for any purpose of deception, a counterfeited, altered, amended, or mutilated vital record or certified copy thereof.

(e) Wilfully and knowingly furnish or process a vital record or a certified copy of a vital record with the knowledge or intention that it be used for the purposes of deception.

(2) A person shall not make, counterfeit, alter, amend, or mutilate a vital record or report required to be filed under this part with the intent to deceive.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2895 Inspection or copying of information contained in system of vital statistics.

Sec. 2895.

The state registrar or a local registrar or an agent or employee of the state or local registrar shall not disclose or permit the inspection or copying of information contained in the system of vital statistics except as authorized by this part or the procedures adopted under section 2896.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2896 Rules; minimum requirements.

Sec. 2896.

The department may promulgate rules necessary or appropriate to implement this part. The rules shall include, at a minimum, procedures relating to filings; form and content of vital records; minimum documentation required for the issuance or amendment of certificates or permits; inspection or disclosure of records and sealed files; fees; and the disposition of reports and applications not actively pursued.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

Admin Rule: R 325.1141 et seq.; R 325.3201 et seq.; R 325.3231 et seq.; and R 325.3251 et seq. of the Michigan Administrative Code.

333.2898 Violation; penalty.

Sec. 2898.

A person who violates section 2894 or 2895 is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

333.2899 Reporting violation; statement; initiation of proceedings.

Sec. 2899.

The state registrar may report a violation of this part or the rules promulgated pursuant to this part to the attorney general. A statement of the facts and circumstances of the violation shall be submitted with the report. Upon receipt of the report, the attorney general, either directly or through the prosecuting attorney of the county in which the violation occurred, may initiate appropriate proceedings against the person committing and responsible for the alleged violation.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368