

HOUSE BILL No. 5255

September 29, 2005, Introduced by Reps. Gaffney, Hune, Hildenbrand and Mortimer and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2843 (MCL 333.2843), as amended by 2002 PA 691.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 qualified individual or source available and shall obtain medical
2 certification as follows:

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

21 (b) ~~A physician, as~~ **AN INDIVIDUAL** described in subdivision
22 (a), who for himself or herself or as an agent or employee of
23 another individual neglects or refuses to certify a death record
24 properly presented to him or her for certification by a funeral
25 director or who refuses or neglects to furnish information in his
26 or her possession, is guilty of a misdemeanor punishable by
27 imprisonment for not more than 60 days, or a fine of not less than

1 \$25.00 nor more than \$100.00, or both.

2 (2) The medical certification shall be provided not later than
3 48 hours after the death by the ~~physician~~ **INDIVIDUAL**, as
4 described in subsection (1)(a).

5 (3) A death record shall be certified by a funeral director
6 licensed under article 18 of the occupational code, 1980 PA 299,
7 MCL 339.1801 to 339.1812, and shall be filed with the local
8 registrar of the district where the death occurred not later than
9 72 hours after the death.

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

20 (a) The name of the mother or father.

21 (b) The address of the mother or father.

22 (c) The name of the informant.

23 (d) The address of the informant.