



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

January 4, 2021

Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48909-7514

Representatives,

Today, I signed Enrolled House Bills 5417, 5418, and 5419, allowing a parent or guardian of a minor child who has been diagnosed with a terminal illness to execute a do-not-resuscitate (DNR) order on behalf of that child. Current law does not allow a minor, or a person on behalf of a minor, to execute a DNR order.

These bills give a minor the right to revoke a DNR order executed on their behalf. This right to revoke is a crucial protection against abuse. However, its exercise is likely to be hindered because the bills do not require any formal notice to the minor when their parent or guardian executes a DNR on their behalf. If a minor is unaware of the existence of a DNR, they will be unable to exercise the right to revoke a DNR granted to them by this Act.

In fact, this internal contradiction—that a minor has the right to revoke without a right to be notified—could deprive a minor of the due process required by the Michigan and United States Constitutions. Fortunately, because this legislation does not take effect until March 23, 2021, the Legislature has an opportunity to fix this constitutional defect.

I am asking for the Legislature to send a bill to my desk, without delay, requiring that anyone who has a DNR executed on their behalf be provided with notice sufficient to exercise their right to revoke the DNR should they choose to do so.

Respectfully,

A handwritten signature in blue ink, appearing to read "Gretchen Whitmer".

Gretchen Whitmer
Governor