

Michigan Register

Issue No. 6 – 2021 (Published April 15, 2021)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

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(This issue, published April 15, 2021, contains
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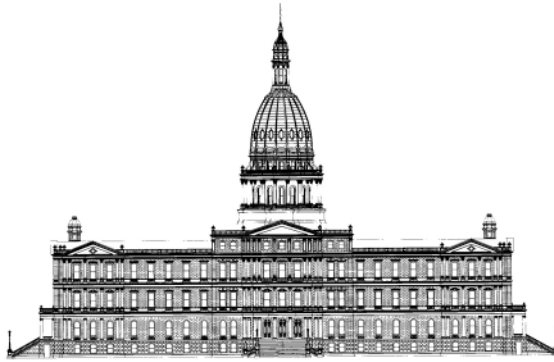
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Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Michigan Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2021 MR 1 refers to the year of issue (2021) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Michigan Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Michigan Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Michigan Office of Administrative Hearings and Rules, Ottawa Building –Second Floor, 611 W. Ottawa Street, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the website of the Michigan Office of Administrative Hearings and Rules – Administrative Rules Division: www.michigan.gov/ard.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules website. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Executive Director,
Michigan Office of Administrative Hearings and Rules

2021 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
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4	March 1, 2021	March 15, 2021
5	March 15, 2021	April 1, 2021
6	April 1, 2021	April 15, 2021
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19	October 15, 2021	November 1, 2021
20	November 1, 2021	November 15, 2021
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23	December 15, 2021	January 1, 2022
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**ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REAL ESTATE BROKERS AND SALESPERSONS - GENERAL RULES

Filed with the secretary of state on March 31, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 205, 308, 2504, 2504a, 2505, 2512, and 2516a, of the occupational code, 1980 PA 299, MCL 339.205, 339.308, 339.2504, 339.2504a, 339.2505, 339.2512, and 339.2516a and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.22101, R 339.22203, R 339.22217, R 339.22219, R 339.22221, R 339.22305, R 339.22307, R 339.22313, R 339.22321, R 339.22618, R 339.22619, R 339.22620, R 339.22621, R 339.22624, R 339.22625, R 339.22626, R 339.22629, R 339.22630, and R 339.22632 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 339.22101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
 - (b) "Department" means the department of licensing and regulatory affairs.
 - (c) "Disability" means a determinable physical or mental characteristic, which may result from disease, injury, congenital condition of birth, or functional disorder, that prevents a broker from performing his or her duties under the code.
 - (d) "Instructor" means an individual who is approved to teach prelicensure classes pursuant to section 2504(4) of the code, MCL 339.2504.
 - (e) "Program coordinator" means the individual responsible for supervising the administration of approved courses.
 - (f) "Real estate school" means an approved entity that represents to the public that any of its courses fulfill, in whole or in part, the requirements of section 2504(l) and (2) of the code, MCL 339.2504, for prelicensure education.
- (2) A term defined in the code has the same meaning when used in these rules.

PART 2. LICENSING

R 339.22203 Prelicensure education broker license; prelicensure education equivalents for broker license; prelicensure education salesperson license.

Rule 203. (1) An applicant for a real estate broker's license shall satisfy all requirements of the code including completing 90 hours of approved prelicensure classroom courses in real estate of which 9 clock hours must be on civil rights and fair housing law. The broker prelicensure education must be completed not more than 36 months before the date of application, unless the applicant held an active real estate salesperson license during that period.

(2) Approved prelicensure education for a real estate broker license must meet the criteria established by the department but may be reviewed and preapproved by a statewide real estate trade association for subject matter relevant to the practice of real estate. Not more than 1 broker course on the same subject will be accepted for credit.

(3) An applicant for a real estate broker license shall be given prelicensure classroom course credit for the following:

(a) Possession of a law degree is considered equivalent to 60 clock hours of real estate education including 6 clock hours of instruction on civil rights law and fair housing law.

(b) Possession of a master's degree in business administration or finance from a degree or certificate granting public or independent nonprofit college or university, junior college, or community college is considered equivalent to 60 clock hours of real estate education.

(c) Possession of a bachelor's degree in business or finance from a degree or certificate granting public or independent nonprofit college or university, junior college, or community college is considered equivalent to 30 clock hours of real estate education.

(4) An applicant for a salesperson license shall have completed 40 clock hours of qualifying prelicensure classroom courses of which 4 clock hours must be on civil rights law and fair housing law. The salesperson prelicensure education must be completed not more than 36 months before the date of application.

R 339.22217 Acceptable related experience for broker and associate broker applicants.

Rule 217. For purposes of calculating the time an applicant for a license as a broker or an associate broker has been engaged in the real estate business, as required by section 2505(7)(b)(viii) of the code, MCL 339.2505, both of the following apply:

(a) A person holding a real estate license in another state shall be given 1 year of credit for each year in which he or she closed 5 or more real estate transactions.

(b) An applicant shall be given 1 year of credit for managing at least 10 units, located in the state of Michigan, for 3 or more years.

PART 3. LAPSE OF BROKER'S LICENSE AND BROKER'S DEATH OR DISABILITY

R 339.22219 Lapse of broker's license.

Rule 219. (1) If a broker's license is lapsed, the licenses of all real estate salespersons and all affiliated associate real estate brokers employed by that real estate broker are automatically suspended until that real estate broker is relicensed pursuant to section 2502a(3) of the code, MCL 339.2502a, or until there is a change of employer and the issuance of a new license.

(2) If a real estate salesperson or affiliated associate real estate broker whose license was suspended pursuant to subrule (1) of this rule becomes employed by a different licensed broker, the department shall issue a new license to the salesperson or associate real estate broker without charge if the license is issued during the same term in which the original license was issued.

R 339.22221 Death or disability of broker.

Rule 221. (1) If a broker's sole principal associate broker dies or becomes disabled, the department shall allow all affiliated real estate licensees a reasonable time, not to exceed 1 year, to either wind up the business of the real estate broker or designate a new sole principal associate broker.

(2) The license of the deceased or disabled sole principal associate broker must not be used to enter into new business transactions.

(3) One year after the date of death or disability of a broker's sole associate principal broker, the licenses of all affiliated real estate salespersons and associate real estate brokers who are employed by the broker are automatically suspended, pending a replacement of the sole principal associate broker or change of employer and the issuance of a new license.

(4) If a real estate salesperson or affiliated real estate broker whose license was suspended pursuant to subrule (3) of this rule becomes employed by a different licensed broker, the department shall issue a new license to the real estate salesperson or associate real estate broker without charge if the license is issued during the same term in which the original license was issued.

PART 4. PRACTICE AND CONDUCT

R 339.22305 Service provision agreement.

Rule 305. (1) In addition to complying with the provisions of the code, a broker or a licensee acting on behalf of the employing broker who enters into a service provision agreement with a party or parties shall provide, at the time of signing, a true executed copy of the agreement to the party or parties signing the agreement. Every agreement must be fully completed by the licensee before the party or parties sign it.

(2) A service provision agreement must include a definite expiration date and must not contain a provision requiring the party signing the agreement to notify the broker of the party's intention to cancel the agreement upon or after the expiration date.

R 339.22307 Delivery of offer to purchase to buyer; delivery of written offers to seller; delivery of copies of acceptance to buyer and seller; inclusion of terms and conditions in offer to purchase.

Rule 307. (1) A licensee shall promptly deliver to the buyer a signed copy of the offer to purchase after it has been signed by the buyer.

(2) A licensee shall make certain that all terms and conditions of the real estate transaction are included in the offer to purchase.

(3) A licensee shall promptly deliver all written offers to purchase to the seller upon receipt. Delivery may be made through any method acceptable to the parties including in person, by mail, or through an electronic communication pursuant to the uniform electronic transactions act, 2000 PA 305, MCL 450.831 to 450.849. The use of electronic records or digital signatures for any real estate transaction requires the prior agreement of the parties.

(4) Upon obtaining a proper acceptance of the offer to purchase, signed by the seller, the licensee shall promptly deliver true executed copies of the acceptance to the purchaser and seller.

(5) A licensee is not subject to disciplinary action for failing to submit to the seller any additional offers to purchase that are received after the seller has accepted an offer and the sales agreement is fully executed, unless a service provision agreement requires that subsequent offers be presented.

R 339.22313 Trust or escrow accounts.

Rule 313. (1) In addition to complying with the provisions of the code, a trust or escrow account must comply with all of the requirements of this rule.

(2) A trust or escrow account must be maintained in a demand account only. Checks drawn on a trust or escrow account must be signed by a broker or an associate broker. Cosignatories may be used; however, the signature of a broker or associate broker must accompany this signature.

(3) A broker shall deposit all funds received in a fiduciary capacity, including escrow funds and earnest money, in a non-interest-bearing demand trust account. The account must be maintained pursuant to the requirements of section 2512(1)(k) of the code, MCL 339.2512.

(4) A broker shall maintain a record of all funds received. At a minimum, the record must include all of the following information:

- (a) The date that the funds were received and the date of deposit.
- (b) The name of the party who provided the funds.
- (c) The amount of the funds received and deposited and the method of payment.

(5) A broker shall maintain a record of all funds disbursed. At a minimum, the record must include all of the following information:

- (a) The name of the party to whom funds were disbursed.
- (b) The date of the disbursement.
- (c) The check number.
- (d) The purpose of the disbursement.
- (e) The amount of the disbursement.

(6) The broker's records must reflect the current account balance of each account maintained and must be made available to the department upon request.

(7) The broker's records must reflect the receipts and disbursements as they affect a single, particular transaction between a buyer and seller and must contain, at a minimum, all of the following information:

(a) For funds received, the record must include all of the following information:

- (i) The names of both parties to a transaction.
- (ii) The property address or brief legal description.
- (iii) The dates and amounts received.

(b) For funds disbursed, the record must include all of the following information:

- (i) The date of the disbursement.
- (ii) The name of the payee.
- (iii) The check number.
- (iv) The amount of the disbursement.

(8) All trust or escrow account records must be maintained for a period of not less than 3 years from the date of inception of the records.

(9) A broker or associate broker's disbursement of an earnest money deposit must be made at consummation or termination of the agreement pursuant to the agreement signed by the parties. However, any deposit in the trust account of the broker for which the buyer and seller have made claim must remain in the broker's trust account until a civil action has determined to whom the deposit must be paid, or until the buyer and seller have agreed, in writing, to the disposition of the deposit. The broker may also commence a civil action to interplead the deposit with the proper court.

R 339.22321 Licensee commissions for other services; disclosure and consent of buyer and seller required.

Rule 321. (1) A licensee who is entitled to receive, either directly or indirectly, a real estate commission as a result of the sale of property, may not also receive a referral fee or other valuable consideration for placing a loan in connection with that transaction unless the licensee obtains the prior written consent of the buyer and seller in that transaction and the fee is not otherwise prohibited by the real estate settlement procedures act of 1974, 12 USC 2601 to 2617, or other applicable law.

(2) A licensee who is entitled to receive, either directly or indirectly, a real estate commission as a result of the sale of property, may not also receive a referral fee or other valuable consideration from an abstract, home warranty, title insurance, or other settlement service provider in connection with that transaction unless the licensee obtains the prior written consent of the party or parties with whom the licensee has an agency relationship and the fee is not otherwise prohibited by the real estate settlement procedures act of 1974, 12 USC 2601 to 2617, or other applicable law.

PART 5. REAL ESTATE EDUCATION

SUBPART 1. PRELICENSURE EDUCATION

R 339.22618 Application for approval to offer prelicensure courses; forms; required information.

Rule 618. (1) A real estate school shall submit a prelicensure course approval application on the form approved by the department. The application must include, but is not limited to, all of the following information:

- (a) The school name, business address, telephone number, facsimile number, website address, and e-mail address, if applicable.
 - (b) The course title.
 - (c) The names, addresses, telephone numbers, and qualifications of instructors.
 - (d) The name of the program coordinator.
 - (e) A summary of topics completed for each prelicensure course to be taught, including the number of hours allocated to each topic.
 - (f) A sample certificate of completion that contains all of the following information:
 - (i) The date of course completion.
 - (ii) Identification of the course including the name of the course as approved by the department.
 - (iii) The name and approval number of the school.
 - (iv) The name of the student.
 - (v) The number of clock hours completed by the student.
 - (g) Methodology for verifying and monitoring attendance and the make-up policy.
 - (h) An enrollment application to be completed by prospective students that contains a statement disclosing the percentage of students who successfully completed the program in the past calendar year. The enrollment application must be updated no later than February 1 of each calendar year.
- (2) A real estate school shall report to the department any change in the information on the application form within 30 days. The department shall accept or reject a change within 60 days of notification of the change.
- (3) A real estate school shall apply for and obtain approval as determined by the department for real estate education courses before the courses are offered to the public.
- (4) The department shall issue a certificate or letter of course approval or a notice of denial to the school within 60 days after the application is received. Denials must be based on substantive deficiencies and specify the reasons for the denial.
- (5) The department shall accept courses for approval that meet the criteria established by these rules and section 2504 of the code, MCL 339.2504.

R 339.22619 Expiration date for prelicensure courses; renewal.

Rule 619. (1) Approval of prelicensure courses issued by the department to a real estate school expires 1 year from the date the course was approved.

(2) A proprietary real estate school licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103, must remain compliant with the act to maintain approval as a real estate prelicensure school under this subpart.

(3) To maintain course approval, a proprietary real estate school shall submit to the department a renewal application on the form approved by the department at least 60 days before the expiration date of the course approval.

R 339.22620 Program coordinator.

Rule 620. Each real estate school shall designate at least 1 individual as program coordinator. The program coordinator is responsible for supervising the program of courses and ensuring compliance with the code and these rules.

R 339.22621 Instructors.

Rule 621. (1) The department shall approve each instructor before he or she teaches any real estate course. An instructor must possess at least 1 of the following minimum qualifications:

(a) Teaches or has taught real estate courses at an accredited institution of higher learning.

(b) Is licensed or certified by the department or other governmental agency to engage in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects.

(2) An instructor is responsible for all of the following:

(a) Complying with all laws and rules relating to real estate education.

(b) Providing students with current and accurate information.

(c) Maintaining an environment conducive to learning.

(d) Assuring and certifying accurate attendance of students enrolled in courses.

(e) Providing assistance to students and responding to questions relating to course materials.

(3) The real estate school shall submit to the department the qualifications of each instructor teaching an approved course with the prelicensure course approval application. The real estate school shall submit the qualifications to the department at least 60 days before the instructor is scheduled to begin instruction.

R 339.22624 Student records; content; inspection; certificate of completion; reporting.

Rule 624. (1) A real estate school shall establish and permanently maintain a record for each student.

(2) Student records must contain all of the following information:

(a) The student's name and address.

(b) The number of clock hours attended.

(c) The student's grade, if an examination is required to determine successful completion of the course.

(d) The date of course completion.

(e) The last 4 digits of the student's social security number.

(f) The student's date of birth.

(g) The student's real estate license identification number, if applicable.

(3) All records must be available for inspection during normal business hours by an authorized representative of the department.

(4) A real estate school shall issue a certificate of completion to a student who successfully completes an approved real estate course. The certificate must include all of the criteria set forth in R 339.22618(1)(f).

(5) A student completing a prelicensure course shall present a state-issued photo identification or acceptable alternative form of photo identification to the school before receiving the certificate of completion. Both of the following apply:

(a) For courses conducted in a traditional classroom setting, a student or a licensee shall present a state-issued photo identification or other acceptable alternative form of identification that verifies, to the satisfaction of the school, the identification of the student or licensee.

(b) For courses conducted through distance learning, the school shall ensure that the student or licensee whose attendance is reported to the department is the same person who completed the distance learning course. The school shall take appropriate measures to ensure accurate verification of the identity of each student or licensee before reporting course completion to the department.

(6) At least 30 days before courses are held, a real estate school shall submit to the department a schedule and geographic location for each course.

(7) Within 5 business days of the conclusion of the last course, a real estate school shall submit, in a format required by the department, the names of students who have successfully completed an approved course.

R 339.22625 Denial, suspension, or rescission of approval to offer courses; violation of code or rules.

Rule 625. A real estate school or instructor may be subject to the penalties of section 602 of the code, MCL 339.602, for any of the following reasons:

(a) Failure to comply with the provisions of the code or these rules.

(b) Revealing or attempting to discover, or soliciting, encouraging, or inducing a person to reveal, the questions on a real estate license examination administered by or on behalf of the department.

(c) Making a substantial misrepresentation or inducement regarding a real estate school or course of study.

(d) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise.

R 339.22626 Distance learning.

Rule 626. (1) Real estate education courses represented as fulfilling the requirements of section 2504 of the code, MCL 339.2504, and delivered through distance learning shall be approved by the department before being offered to the public.

(2) A distance learning course must contain all of the following:

(a) All requirements listed R 339.22618 for approval of a prelicensure course.

(b) The individual modules of instruction offered on a computer or other interactive program.

(c) A list of at least 1 learning objective for each module of instruction. The learning objective must ensure that if all the objectives are met, the entire content of the course is understood.

(d) A structured learning method to enable the student to attain each learning objective.

(e) A method of assessment of the student's performance during each module of instruction.

(f) A remediation for any student who is deficient in the assessment to repeat the module until the student understands the course content material.

(3) Delivery systems that meet the distance education criteria for current certification by the Association of Real Estate License Law Officials (ARELLO) are acceptable to the department, as follows:

(a) Proof of ARELLO certification as a primary or secondary provider, including the summary sheet and certificate, are provided with the application for course approval.

(b) Upon withdrawal or expiration of ARELLO certification, the approval to offer distance learning courses is suspended until ARELLO certification is reinstated or the real estate school has applied for and received approval from the department according to subrule (4) of this rule.

(4) Equivalent delivery systems may be used if they are approved by the department.

(5) The real estate school shall describe in detail on its application how it will remedy hardware and software failures.

SUBPART 2. CONTINUING EDUCATION

R 339.22629 Continuing education requirements for licensees.

Rule 629. (1) A licensee shall complete 18 hours of continuing education in each license cycle as follows:

(a) A minimum of 2 hours of legal education courses involving statutes, rules, and court cases must be completed during each year of a license cycle pursuant to section 2504a(2)(a) of the code, MCL 339.2504a, for a total of 6 or more hours of legal education per license cycle.

(b) The remaining 12 hours of continuing education required for renewal may be completed at any time during the license cycle.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule.

(3) An applicant shall retain for a minimum of 4 years evidence acceptable to the department that he or she has met the continuing education requirements for renewal, and upon request, produce this evidence to the department pursuant to section 2504a(3) of the code, MCL 339.2504a.

R 339.22630 Waiver of continuing education.

Rule 630. A request for a waiver of continuing education pursuant to section 204(2) of the code, MCL 339.204, must be received by the department before the expiration date of the license.

R 339.22632 Eligible continuing education program.

Rule 632 (1) As used in this rule, "eligible continuing education course" means a course that is reviewed and certified by a statewide real estate association that has a membership representing more than 18,000 licensees.

(2) An association that reviews continuing education courses pursuant to subrule (1) of this rule shall comply with all of the following:

(a) Ensure that all continuing education courses that are offered to licensees are compliant with section 2504a of the code, MCL 339.2504a, and involve subjects that are relevant to the management, operation and practice of real estate or otherwise contribute to the professional competence of the licensee.

(b) Provide a system for monitoring a licensee's compliance with section 2504a of the code, MCL 339.2504a.

(c) Maintain a list of approved courses and ensure the list is available to licensees.

(3) A school, institution, program, or other person that has been denied certification as an eligible continuing education course by a statewide real estate association that has a membership representing more than 18,000 licensees may petition the department to review the association's decision pursuant to sections 520 and 521 of the code, MCL 339.520 and 339.521.

(4) If a statewide real estate association that has a membership representing more than 18,000 licensees does not exist, then continuing education courses must be approved by the board.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SOCIAL WORK - GENERAL RULES

Filed with the secretary of state on March 31, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16287, 18516, and 18518 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16287, 333.18516, and 333.18518, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.2921, R 338.2923, R 338.2925, R 338.2929, R 338.2931, R 338.2933, R 338.2935, R 338.2939, R 338.2941, R 338.2943, R 338.2945, R 338.2947, R 338.2949, R 338.2951, R 338.2953, R 338.2955, R 338.2957, R 338.2961, and R 338.2963 of the Michigan Administrative Code are amended, R 338.2930 is added, and R 338.2965 is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.2921 Definitions.

Rule 21. As used in these rules:

- (a) "Board" means the Michigan board of social work.
- (b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Continuing education contact hour" means a 60-minute clock hour of instruction for the first hour, with no less than 50 minutes of uninterrupted instruction for every hour following the first hour.
- (d) "State" means that term as defined in section 1108(2) of the code, MCL 333.1108.
- (e) "Supervisory review" means that the limited social service technician registrant, limited bachelor's social work licensee, or limited master's social work licensee is meeting with his or her Michigan-licensed bachelor's or Michigan-licensed master's social worker supervisor, as applicable, individually or in a group modality, during which active work functions and the work records of the supervisee are reviewed.
- (f) "Telehealth" means that term as defined in section 16283 of the code, MCL 333.16283.

R 338.2923 Educational standards; adoption by reference.

Rule 23. (1) The board adopts by reference the standards of the Council on Social Work Education (CSWE) for the accreditation of social work education programs in the publication entitled, "Educational Policy and Accreditation Standards," (2015), which is available at no cost from the CSWE's website at www.cswe.org. A copy of the standards and procedures also is available for inspection and distribution at a cost of 10 cents per page from the Board of Social Work, Bureau of

Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) A social work education program accredited by CSWE is approved by the board. A social work education program that is not accredited by CSWE may be approved by the board if the board determines that it is substantially equivalent to a program accredited by the CSWE.

(3) The board adopts by reference the policies and procedures for recognizing accrediting organizations of the Council for Higher Education Accreditation (CHEA), effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in CFR part 602 (2010). Copies of the policies and procedures of the CHEA and the procedures and criteria of the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards also may be obtained from the CHEA's website at www.chea.org at no cost. The federal recognition criteria may be obtained from the United States Department of Education, Office of Postsecondary Education, LBJ Building, 400 Maryland Avenue SW, Washington, DC 20202 or from its website at https://www2.ed.gov/admins/finaid/accred/accreditation_pg11.html#Part602-Secretary'sRecognition at no cost.

R 338.2925 Examination adoption; passing scores.

Rule 25. (1) The board approves and adopts the following examinations developed, maintained, and scored by the Association of Social Work Boards (ASWB):

- (a) Bachelor's examination.
- (b) Advanced generalist examination.
- (c) Clinical examination.

(2) An applicant shall achieve a passing score as defined by ASWB on the test required for the level of licensure sought.

(3) The board may approve an alternative examination, if the board determines that the examination is substantially equivalent to the ASWB examination required for the level of licensure sought.

R 338.2929 Training standards for identifying victims of human trafficking; requirements.

Rule 29. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content must cover all of the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally-recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure or registration, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training may include any of the following:

- (i) Teleconference or webinar.
- (ii) Online presentation.
- (iii) Live presentation.
- (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to an applicant for license or registration renewal. The requirements specified in subrule (1) of this rule apply to an applicant for initial licensure or registration beginning December 22, 2021.

R 338.2930 Telehealth services.

Rule 30. (1) A social service technician registrant or social work licensee shall obtain consent before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(2) A social service technician registrant or social work licensee providing a telehealth service shall do all of the following:

- (a) Act within the scope of his or her practice.
- (b) Exercise the same standard of care applicable to a traditional, in-person health care service.
- (c) Ensure that the technology method and equipment used complies with all current privacy-protection laws when providing a telehealth service.

PART 2. SOCIAL SERVICE TECHNICIAN REQUIREMENTS

R 338.2931 Limited social service technician registration requirements; limitation on renewal.

Rule 31. (1) An applicant for a limited social service technician registration shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of the code, an applicant for the limited social service technician registration shall meet both of the following requirements:

(a) Successful completion of 60 semester or 90 quarter credit hours from an accredited college meeting the standards of R 338.2923.

(b) Employment in human services or social services or the submission of documentation that the applicant has been made an offer of employment in the practice of social service work at an agency recognized by the board pursuant to subrule (2) of this rule.

(2) Agencies recognized by the board include those that employ social workers engaged in the practice of social work as defined in section 18501(1)(f) or (g) of the code, MCL 333.18501.

(3) The limited social service technician registration is granted for 1 year and may be renewed only once, as specified in section 18507(2) of the code, MCL 333.18507.

R 338.2933 Social service technician registration requirements.

Rule 33. (1) An applicant for social service technician registration shall submit a completed application on a form provided by the department, together with the required fee. Additionally, the applicant shall meet 1 of the following requirements:

(a) Successful completion of 2,000 hours of social work experience in compliance with the requirements of subrules (2), (3), and (4) of this rule and accumulated while holding a Michigan limited social service technician registration.

(b) Successful completion of a minimum of 60 semester or 90 quarter credit hours from an accredited college meeting the standards of R 338.2923, including a minimum of 20 semester or 30 quarter credit hours of relevant human services coursework and current employment in the practice of social work. As used in this subrule, “relevant human services coursework” includes, but is not limited to, coursework in social work, ethical and legal issues, sociology, psychology, counseling, human development, human behavior, health care, philosophy, criminal justice, early childhood development, and social policy and administration.

(c) Successful completion of an associate degree in social work from an accredited college meeting the standards of R 338.2923 that included supervised instructional field experience.

(2) Social work experience for an applicant for registration as a social service technician under section 18507(1)(a) of the code, MCL 333.18507, means the delivery of social work services through any of the following:

(a) Interviewing clients to obtain information about a client's situation, providing information about available services, and providing specific assistance to help people utilize community resources.

(b) Conducting case-finding activities in the community and encouraging and providing linkages to available services.

(c) Monitoring a client's compliance with a program's expectations.

(d) Providing life skills training.

(3) The social work experience must be completed under the supervision of a Michigan-licensed bachelor's or Michigan-licensed master's social worker whose license is in good standing throughout the period of supervision.

(4) The social work experience must comply with all of the following:

(a) An applicant shall meet with his or her supervisor using any of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(iii) In a group modality, during which active work functions and records of the applicant are reviewed.

(b) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor on an individual basis either in person or using a telecommunication method that provides for live and simultaneous contact.

(c) An applicant may not accumulate more than 2,000 hours of supervised work experience during any 12-month period.

(d) The supervisor shall verify the supervised work experience in writing. If the supervisor is not available, agency staff who are knowledgeable about the individual's work or another person who is knowledgeable about the individual's work, may provide the verification in writing.

R 338.2935 Registration by endorsement.

Rule 35. (1) An applicant for registration by endorsement shall submit a completed application on a form provided by the department, together with the required fee.

(2) If an applicant holds a valid registration in good standing from another state and has been actively engaged in the practice of a social work technician for a minimum of 10 years before the date of application for Michigan registration, it is presumed that the applicant meets the requirements of section 16186 of the code, MCL 333.16186.

(3) If an applicant holds a valid registration in good standing from another state and has been actively engaged in the practice of a social work technician for less than 10 years before the date of application for Michigan registration, then the applicant shall comply with the requirements for registration pursuant to R 338.2933.

(4) An applicant's registration in good standing must be verified by the registering agency of each state in which the applicant holds a current registration or ever held a registration as a social service technician. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

PART 3. BACHELOR'S SOCIAL WORKER REQUIREMENTS

R 338.2939 Limited bachelor's social worker license requirements; limitations on licensee's accumulation of supervised work experience; limitations on renewal of limited license.

Rule 39. (1) An applicant for a limited bachelor's social worker license to accumulate the supervised work experience hours required pursuant to R 338.2941, in addition to meeting the requirements of the code, shall comply with both of the following:

(a) Submit a completed application on a form provided by the department, together with the required fee.

(b) Have completed a baccalaureate degree program from an accredited school of social work that complies with the standards in R 338.2923.

(2) A limited bachelor's social worker licensee shall accumulate supervised work experience in compliance with the requirements in R 338.2941.

(3) A limited bachelor's social worker licensee shall accumulate supervised work experience in an agency, health facility, institution, or other entity approved by the board pursuant to section 18506 of the code, MCL 333.18506. The board approves an agency, health facility, institution, or other entity where a master's social worker engages in the practice of social work at the master's level as defined in section 18501(1)(g) of the code, MCL 333.18501.

(4) A limited bachelor's social worker license issued for the purpose of accumulating supervised work experience hours for licensure pursuant to R 338.2941 is valid for 1 year. This license may be renewed no more than 6 times. Relicensure of this limited license is counted the same as renewal for purposes of this subrule.

(5) A limited bachelor's social worker license issued for the purpose of accumulating supervised work experience for relicensure pursuant to R 338.2945 is valid for 1 year. This license may be renewed no more than 6 times. Relicensure of this limited license is counted the same as renewal for purposes of this subrule.

R 338.2941 Bachelor's social worker license by examination; educational requirements; supervised work experience requirements.

Rule 41. (1) An applicant for a bachelor's social worker license by examination shall submit a completed application on a form provided by the department, together with the required fee. In addition

to meeting the requirements of the code, an applicant for a bachelor's social worker license by examination shall meet all of the following requirements:

(a) Have completed a baccalaureate degree program from an accredited school of social work that complies with the standards in R 338.2923.

(b) Have completed at least 4,000 hours of post-degree supervised work experience accrued over not less than 2 years, as required in section 18509(1)(a) of the code, MCL 333.18509, and described in subrules (2), (3), and (4) of this rule.

(c) Have passed the bachelor's examination approved pursuant to R 338.2925.

(2) Supervised work experience includes, but is not limited to, any of the following:

(a) Assessment, planning, and intervention with individuals, couples, families, or groups to enhance or restore the capacity for social functioning.

(b) Case management of health and human services.

(c) Providing information about and referring individuals to resources.

(d) Planning and collaborating with communities, organizations, or groups to improve their social or health services.

(e) Working with clients in accessing, coordinating, or developing resources to develop solutions for interpersonal or community problems.

(3) Supervised work experience may be earned only while holding a Michigan limited bachelor's of social work license issued pursuant to R 338.2939. The supervised work experience for a bachelor's social worker license must meet all of the following requirements:

(a) The experience must be earned after completion of all the requirements for graduation as verified by the program.

(b) The experience must be completed under the supervision of a Michigan-licensed master's social worker whose license is in good standing throughout the period of supervision.

(4) The supervised work experience must comply with all of the following:

(a) The applicant shall meet with his or her supervisor using any of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(iii) In a group modality that provides for 50% of the supervision to include individual contact during which active work functions and records of the applicant are reviewed.

(b) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor using either of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(c) An applicant may not accumulate more than 2,080 hours of supervised work experience during any 12-month period.

(d) An applicant shall accumulate at least 16 hours, but not more than 40 hours, of supervised work experience per week.

(e) The applicant shall function as a licensed bachelor's social worker using generally accepted applications of social work knowledge and techniques acquired during the applicant's education and training.

(f) The experience may be earned either in an employment or volunteer capacity.

R 338.2943 Licensure by endorsement.

Rule 43. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the required fee.

(2) If an applicant holds an active license in good standing from another state and has been actively engaged in the practice of a bachelor's social worker for a minimum of 10 years before the date of

application for Michigan licensure, it is presumed that the applicant meets the requirements of section 16186 of the code, MCL 333.16186.

(3) If an applicant holds an active license in good standing from another state, but does not satisfy the requirements for licensure by endorsement in subrule (2) of this rule, the applicant shall comply with all of the following:

(a) Hold a valid bachelor's social work license in good standing from another state.

(b) Pass the bachelor's examination approved pursuant to R 338.2925.

(c) Submit documentation verifying that the applicant has completed a minimum of 4,000 hours of supervised work experience, work experience, or both, at the bachelor's level.

(4) An applicant's license in good standing must be verified by the licensing agency of each state in which the applicant holds a current license or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

R 338.2945 Relicensure of bachelor's social worker.

Rule 45. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:

(a) For a bachelor's social worker who has let his or her Michigan license lapse and is not currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics, 2 hours in pain and symptom management, and 2 hours in human trafficking as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(v)	Supervised work experience: completion of 1,000 hours of supervised work experience under		√	√

	the supervision of a Michigan-licensed master's social worker described in subrules (2) and (3) of this rule, if applicable, and R 338.2941(2) to (4).			
(vi)	Examination: passage of the examination approved pursuant to R 338.2925 within 1 year prior to the application for relicensure.			√
(vii)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(b) For a bachelor's social worker who has let his or her Michigan license lapse and is currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics, 2 hours in pain and symptom management, and 2 hours in human trafficking as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for	√	√	√

	relicensure.			
(v)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√

(2) Supervised work experience must be earned under a Michigan limited license pursuant to R 338.2939.

(3) A licensee with a limited license for supervised work experience for relicensure shall comply with the supervisory requirements in R 338.2941(2) to (4).

PART 4. MASTER'S SOCIAL WORKER REQUIREMENTS

R 338.2947 Limited master's social worker license requirements; limitations on accumulation of supervised work experience; limitation on renewal of limited license.

Rule 47. (1) An applicant for a limited master's social worker license to accumulate the supervised work experience required for full licensure, in addition to meeting the requirements of the code, shall comply with both of the following:

(a) Submit a completed application on a form provided by the department, together with the required fee.

(b) Have completed a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923.

(2) A limited master's social worker licensee shall accumulate supervised work experience in compliance with the requirements in R 338.2949.

(3) A limited master's social worker licensee shall accumulate supervised work experience in an agency, health facility, institution, or other entity approved by the board pursuant to section 18506 of the code, MCL 333.18506. The board approves an agency, health facility, institution, or other entity where a master's social worker engages in the practice of social work at the master's level as defined in section 18501(1)(g) of the code, MCL 333.18501.

(4) A limited master's social worker license issued for the purpose of accumulating supervised work experience hours for licensure pursuant to R 338.2949 is valid for 1 year. This license may be renewed no more than 6 times. Relicensure of this limited license is counted the same as renewal for purposes of this subrule.

(5) A limited master's social worker license issued for the purpose of accumulating supervised work experience for relicensure pursuant to R 338.2955 is valid for 1 year. This license may be renewed no more than 6 times. Relicensure of this limited license is counted the same as renewal for purposes of this subrule.

R 338.2949 Master's social worker license requirements; generally.

Rule 49. (1) In addition to meeting the requirements of the code, an applicant for a master's social worker license shall submit a completed application on a form provided by the department, together with the required fee.

(2) An applicant for a master's social worker license shall complete supervised work experience as required by R 338.2951, R 338.2953, or both, under the direction of a Michigan-licensed master's social worker who holds a macro designation, clinical practice designation, or both, as applicable, and whose license is in good standing throughout the period of supervision.

(3) Supervised work experience must comply with all of the following:

(a) Supervised work experience may only be earned while holding a Michigan limited master's of social work license issued pursuant to R 338.2947.

(b) The applicant shall meet with his or her supervisor using any of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(iii) In a group modality that provides for 50% of the supervision to include individual contact during which active work functions and records of the applicant are reviewed.

(c) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor using either of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(d) The applicant may not accumulate more than 2,080 hours of supervised work experience during any 12-month period.

(e) The applicant shall accumulate at least 16 hours, but not more than 40 hours, of supervised work experience per week.

(f) The applicant shall function as a master's social worker using generally accepted applications of social work knowledge and techniques acquired during the applicant's education and training.

(4) In addition to satisfying the requirements of this rule, an applicant for licensure with a macro or clinical practice designation shall satisfy all the requirements of R 338.2951 or R 338.2953, as applicable. An applicant or a licensee may add a second master's level social work specialty designation by completing both of the following requirements:

(a) Complete an additional 2,000 hours of post-degree social work experience, accrued over not less than 1 year, in the second specialty designated area with at least 50 hours of supervisory review.

(b) Pass the appropriate examination for the second designation approved pursuant to R 338.2925.

R 338.2951 Master's social worker license; macro designation.

Rule 51. An applicant for the license with a macro designation shall meet all of the following requirements:

(a) Have completed a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923.

(b) Have passed the advanced generalist examination approved pursuant to R 338.2925.

(c) Have completed at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509(1)(b) of the code, MCL 333.18509, as follows:

(i) The experience must be earned after completion of all the requirements for graduation as verified by the program.

(ii) The experience must be completed in compliance with the requirements of R 338.2949 under the supervision of a Michigan-licensed master's social worker holding a macro designation.

(iii) The experience for the macro designation must be completed in either or both of the following areas:

(A) Administration, management, and supervision of human service organizations, including the translating of laws and administrative rulings into organizational policy and procedures; collaboration, coordination, mediation, and consultation between and among organizations, disciplines and communities; community organizing and development; research and evaluation; the seeking of social

justice through the legislative process or the social action and advocacy processes; the improvement of social conditions through social planning and policy formulations; and, social work education and training.

(B) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions.

R 338.2953 Master's social worker license; clinical designation.

Rule 53. An applicant for licensure with a clinical practice designation shall meet all of the following requirements:

(a) Have completed a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923.

(b) Have passed the clinical examination approved pursuant to R 338.2925.

(c) Have completed at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, in accordance with section 18509(1)(b) of the code, MCL 333.18509, as follows:

(i) The experience must be earned after completion of all the requirements for graduation as verified by the program.

(ii) The experience must be completed in compliance with the requirements of R 338.2949 under the supervision of a Michigan-licensed master's social worker holding a clinical designation.

(iii) The experience for the clinical practice designation must include 1 or more of the following activities: assessment, treatment, and intervention methods that utilize a specialized and formal interaction between a social worker and an individual, a couple, a family, or a group in which a professional relationship is established; advocating for care; protecting the vulnerable; providing forensic practice functions; increasing social well-being; providing education, and resources; providing psychotherapy; providing case management for complex and high-risk cases; serving on community committees; and, providing clinical supervision or direction of clinical programs.

R 338.2955 Relicensure of master's social worker.

Rule 55. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation:

(a) For a licensed master's social worker who has let his or her Michigan license lapse and is not currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Continuing education: submit proof of having completed 45 hours of	√	√	√

	continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics, 2 hours in pain and symptom management, and 2 hours in human trafficking as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.			
(v)	Supervised work experience: completion of 1,000 hours of supervised work experience under the supervision of a Michigan-licensed master's social worker of the same designation as described in subrules (2) and (3) of this rule, if applicable, R 338.2951, and R 338.2953.		√	√
(vi)	Examination: passage of the applicable examination approved pursuant to R 338.2925 within 1 year before application for relicensure.			√
(vi)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(b) For a master's social worker who has let his or her Michigan license lapse and is currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to	√	√	√

	338.47.			
(iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics, 2 hours in pain and symptom management, and 2 hours in human trafficking as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(v)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√

(2) Supervised work experience must be earned under a Michigan limited license pursuant to R 338.2947.

(3) A licensee with a limited license for supervised work experience for relicensure shall comply with the supervisory requirements in R 338.2949(2) to (4).

R 338.2957 Licensure by endorsement.

Rule 57. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the required fee.

(2) If an applicant holds an active master's of social work license in good standing from another state and has been engaged in the practice of social work at the master's level for a minimum of 10 years before the date of application for Michigan licensure, it is presumed that the applicant meets the requirements for licensure under section 16186 of the code, MCL 333.16186. The applicant shall apply for either the macro designation or the clinical designation and provide an attestation that he or she had engaged in the practice of social work at the master's level as defined under MCL 333.18501(1)(g)(ii) or (iii), as applicable. An applicant may apply for a second designation by satisfying the requirements in R 338.2949(4) or by submitting proof that he or she currently holds both designations in the state where he or she is currently licensed.

(3) If an applicant holds an active license in good standing from another state, but does not satisfy the requirements for licensure by endorsement in subrule (2) of this rule, then the applicant shall comply with all of the following:

(a) Hold a valid master's social work license in good standing from another state.

(b) Pass the advanced generalist or clinical examination, as applicable, of the examination approved pursuant to R 338.2925.

(c) Submit documentation verifying that the applicant has completed a minimum of 4,000 hours of supervised work experience, work experience, or both, at the master's macro or clinical level, as applicable.

(4) An applicant's license in good standing must be verified by the licensing agency of each state in which the applicant holds a current license or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

PART 5. CONTINUING EDUCATION

R 338.2961 Bachelor's and master's of social work license renewals; continuing education requirements.

Rule 61. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate not less than 45 continuing education contact hours that are approved by the board under R 338.2963 during the 3 years immediately preceding application for renewal.

(2) At least 5 of the 45 continuing education contact hours in each renewal period must be in ethics.

(3) At least 2 of the 45 continuing education contact hours in each renewal period must be in pain and symptom management. Continuing education contact hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, behavior modification, and stress management.

(4) At least 2 of the 45 continuing education contact hours in each renewal period must be in human trafficking.

(5) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of these rules. A licensed master's or licensed bachelor's social worker shall retain documentation of meeting the requirements of this rule for a period of 5 years from the date of applying for license renewal. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(6) The department shall receive a request for a waiver under section 16205 of the code, MCL 333.16205, before the expiration date of the license.

R 338. 2963 Acceptable continuing education; limitations.

Rule 63. (1) One half of the required continuing education contact hours must be completed in person using live, synchronous contact. The remaining continuing education contact hours may be completed in any other approved format.

(2) The continuing education credit hours earned during 1 renewal cycle may not be carried forward to the next renewal cycle.

(3) A licensee may not earn continuing education credit for completing the same course twice within the same renewal cycle.

(4) The board approves all of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION		
(a)	Attendance at a continuing education program related to the practice of social work approved or offered by any of the following:	Contact hours may be earned without limitation under this subrule.

	• The ASWB. • The National Association of Social Workers (NASW). • A state chapter of the NASW. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.	
(b)	Attendance of an academic course or a continuing education program related to the practice of social work offered by an educational program approved by the board under R 338.2923. If audited, the licensee shall submit an official transcript documenting successful completion of the course, or the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed for a continuing education program.	Fifteen continuing education contact hours may be earned for each semester credit earned. Ten continuing education contact hours may be earned for each quarter credit earned. One hour of continuing education contact hours may be earned for each hour of attendance of a continuing education program. Credit may be earned without limitation.
(c)	Attendance at a continuing education program that has been granted approval by another state board of social work. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the	Continuing education contact hours may be earned without limitation.

	program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.	
(d)	Presentation of a board-approved continuing education program that is not part of the licensee's regular job description. If audited, a licensee shall submit a letter from the program sponsor confirming the licensee as the presenter and the presentation date and time, or a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.	Three continuing education contact hours may be earned for each 60 minutes of presentation. Credit may be earned for the same program only once in each renewal period. A maximum of 15 continuing education contact hours may be earned per licensure cycle.
(e)	Publication in a peer reviewed journal or textbook of an article or chapter related to the practice of social work. If audited, a licensee shall submit a copy of the publication that identifies the licensee as an author of the chapter or a publication acceptance letter.	Ten continuing education contact hours may be earned for publication in a journal or textbook, with a maximum of 10 contact hours per licensure cycle.

R 338.2965 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 16 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.16202, R 408.16207, R 408.16211, R 408.16226, and R 408.16234 of the Michigan Administrative Code are amended and R 408.16223, R 408.16227, and R 408.16251 are rescinded, as follows:

PART 62. PLASTIC MOLDING

R 408.16202 Referenced standards.

Rule 6202. The following Michigan Occupational Safety and Health Administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 2. "Walking-Working Surfaces," R 408.10201 to R 408.10241.

(b) General Industry Safety Standard Part 85. "The Control of Hazardous Energy Sources," R 408.18501 to R 408.18599.

R 408.16207 Definitions; R, S.

Rule 6207. (1) "Rotational molding" means a method of making hollow articles by charging a hollow rotating mold with a plastic material. After the heated material covers all surfaces of the mold it is cooled and stripped out.

(2) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(3) "Safety gate" means a moveable, interlocked guard allowing the operator access to the point of operation to perform production related tasks.

(4) "Ship-lap machine" means a powered machine equipped with feed rolls and milling cutters for the purpose of cutting grooves in the edge of expanded sheet material.

(5) "Spin welding" means a method of fusing 2 objects together by spinning 1 or both until frictional heat melts the interface. The spinning is then stopped and pressure applied to both objects.

R 408.16211 Employer responsibilities.

Rule 6211. (1) An employer shall provide training to an employee regarding the operating procedures, hazards, and safeguards of any assigned job.

(2) An employer shall not allow a machine to be operated if the machine is not guarded as prescribed by this part or has a known defect that could affect the safety of an employee.

(3) An employer shall ensure that all safety devices are checked and found to be functional and properly adjusted.

EQUIPMENT INSTALLATION AND MAINTENANCE

R 408.16223 Rescinded.

R 408.16226 Controls.

Rule 6226. (1) An operating control shall be guarded against accidental contact. A control button or lever shall be identified as to its function.

(2) If a machine requires more than 1 operator, and if each operator is exposed to a point of operation, the controls shall be activated concurrently before the machine will operate.

(3) A machine shall be provided with an emergency stop control at each operator station. The stop control shall be red in color and readily accessible. A button, if used, shall have a mushroom shape.

(4) A machine shall be provided with a means that, upon power failure, will prevent automatic restarting upon the restoration of power. Fire, coolant, and sump pumps are excepted from the requirements of this subrule.

(5) When used, interlocks shall be installed to minimize the possibility of accidental operation or tampering.

(6) Where more than 1 operator is assigned to a plastic molding machine that is not equipped with interlocked gates and the operator is exposed to a point of operation, or when hazardous motion in or near the point of operation could cause injury, each operator shall be provided with a device that prevents reaching into the point of operation during the closing cycle.

(7) Two-hand control devices shall be located in a manner to prevent bridging.

R 408.16227 Rescinded.

SPECIFIC EQUIPMENT

R 408.16234 Injection molding machinery.

Rule 6234. (1) An injection molding machine, except for one with a movable table that is subject to the provisions of subrule (4) of this rule, shall be equipped with a safety gate or guard that is designed and

constructed to prevent an employee from reaching into the point of operation, except when the gate is open.

(2) A horizontal injection molding machine shall have the safety gate interlocked to stop or prevent mold-closing by any 2 of the following:

- (a) An electrical mold-closing control.
- (b) Hydraulic or pneumatic valves that control mold closing.
- (c) A mechanical device that prevents mold closing.
- (d) A second electrical mold closing control (all electrical horizontal injection molding machines).

(3) A vertical clamp injection molding machine shall have a mechanical restraint device to prevent unintentional gravity descent of the mold, and shall have the safety gate interlocked to stop or prevent mold-closing by any 2 of the following:

- (a) An electrical mold closing control.
- (b) Hydraulic or pneumatic valves that control mold closing.
- (c) A second electrical mold closing control (all electrical vertical injection molding machines).

(4) An injection molding machine that uses a movable table to hold the lower mold shall be provided with a guard or device that is designed and constructed to deny an operator access to the point of operation during machine cycle.

(5) An injection molding machine shall be equipped with a fixed or an interlocked movable or removable guard, or other device that is designed and constructed to prevent an employee from reaching into the clamping mechanism.

(6) When purging an injection molding machine, an employee shall be protected from the purging splatter by a shield that is fixed, portable, or worn on the employee. The same shielding shall be used when servicing a heated runner manifold nozzle.

(7) An injection molding machine that uses an extruding machine that has an exposed feed screw shall have the screw guarded as prescribed by R 408.16233(4).

(8) Employers engaged in mold changes on injection molding machines shall comply with General Industry Safety Standard Part 85. "The Control of Hazardous Energy Sources," (Lockout/Tagout), as referenced in R 408.16202.

R 408.16251 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

ESSENTIAL INSURANCE

Filed with the secretary of state on March 24, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of insurance and financial services by sections 210, 2102, 2113, 2127, and 2130 of the insurance code of 1956, 1956 PA 218, MCL 500.210, 500.2102, 500.2113, 500.2127, and 500.2130 and Executive Reorganization Order No. 2013-1, MCL 550.991)

R 500.1501, R 500.1502, R 500.1503, R 500.1504, R 500.1505, R 500.1506, R 500.1507, R 500.1508, R 500.1509, R 500.1510, R 500.1511, R 500.1512, R 500.1513, R 500.1514, R 500.1515, R 500.1516, R 500.1517, R 500.1518, R 500.1519, R 500.1520, and R 500.1521 of the Michigan Administrative Code are amended, as follows:

R 500.1501 Definitions.

Rule 1. (1) As used in these rules:

(a) “Classification” means a grouping of individuals or risks on the basis of 1 or more characteristics for purposes of measuring and rating differences in anticipated losses or expenses, or both. A classification does not include a grouping of individuals or risks solely for statistical data gathering purposes.

(b) “Code” means the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.

(c) “Complaint” means a written statement by a person to an insurer, a producer, or the director claiming that an insurer or producer has improperly denied him or her automobile insurance or home insurance or has charged an incorrect premium for automobile insurance or home insurance.

(d) “Denial” or “denied” means both declination and termination.

(e) “Incorrect premium” means a premium charged for automobile insurance or home insurance that is not consistent with a rate or rating plan or classification approved by the department.

(f) “Loss portion” means the portion of a rate that is attributable to provisions for incurred losses and allocated loss adjustment expenses.

(g) “Loss ratio” means any of the following ratios for a specified time period, as appropriate for the context of evaluation:

(i) The ratio of actual incurred losses to total earned premiums at collected rate levels.

(ii) The ratio of actual incurred losses to total earned premiums at current rate levels.

(iii) The ratio of reasonably anticipated incurred losses to total estimated earned premiums at proposed rate levels.

(h) “Rating cell” means a group of individuals or risks for which a single rate is determined when 2 or more rating classifications are combined to define a population of individuals or risks for rating purposes.

(i) “Relativity” means either the ratio of rates for any 2 rating classifications or the absolute difference in rates for any 2 rating classifications, whichever is applicable for a particular rating system.

(j) “Uncertainty of loss” means a measure of the nature and the extent of the variability of actual losses for a group of individuals or risks from the mean anticipated loss for the group and includes other similar measures of risk.

(k) “Underwriting” means the offer or refusal to insure, the offer or refusal to continue to insure, or the limitation of the amount of coverage available to, an individual, risk, or class of individuals or risks.

(2) A term defined in the code has the same meaning when used in these rules.

R 500.1502 Other insurance coverages to be considered to be automobile insurance.

Rule 2. In addition to the insurance coverages described in section 2102(2)(a), (b), and (c) of the code, MCL 500.2102, all of the following insurance coverages are considered to be automobile insurance under section 2102(2)(d) of the code, MCL 500.2102:

(a) Insurance coverage commonly known as “uninsured motorist insurance,” for both bodily injury and property damage claims.

(b) Insurance coverage for the liability existing under section 3135(3)(e) of the code, MCL 500.3135.

(c) Insurance coverage commonly known as “underinsured motorist insurance.”

R 500.1503 Excessive rates.

Rule 3. For the purposes of section 2109(1)(a) of the code, MCL 500.2109, both of the following apply in determining whether a rate for automobile insurance or home insurance is excessive:

(a) A rate is unreasonably high for the insurance coverage provided if it is unreasonably high in relation to anticipated losses or expenses, or both, or to the uncertainty of loss for the insurance coverage provided.

(b) A determination regarding the existence of a reasonable degree of competition must give due consideration to, at a minimum, all of the following:

(i) The relevant market for the coverage or the type of insurance to which the rate applies.

(ii) The number of insurers and the number of self-insurers actively engaged in underwriting or providing the coverage or type of insurance in the relevant market.

(iii) The distribution of rates and market shares for those insurers in the relevant market. Market shares may be measured either by premiums or exposures.

(iv) Past and prospective trends in the availability of coverage and coverage options for insurance of that type in the relevant market.

(v) Profits attributable to insurance of that type in relation to the profitability of other types of insurance, to the uncertainty of loss for that and other types of insurance, and to the amount of capital and surplus funds available to support premium underwritings for that and other types of insurance.

(vi) The ability and potential for insurers to enter and exit the relevant market and for financial capital and surplus funds to be allocated to, and to be removed from, the relevant market.

R 500.1504 Inadequate rates.

Rule 4. For purposes of section 2109(1)(b) of the code, MCL 500.2109, all of the following apply in determining whether a rate for automobile insurance or home insurance is inadequate:

(a) A rate is unreasonably low for the insurance coverage provided if it is unreasonably low in relation to anticipated losses or expenses, or both, or to the uncertainty of loss for the insurance coverage provided.

(b) Applicants who are in good faith entitled to procure the insurance through ordinary methods are the persons who are eligible persons, as defined in section 2103(1) or (2) of the code, MCL 500.2103, with respect to that insurance.

R 500.1505 Unfairly discriminatory rates.

Rule 5. (1) For purposes of section 2109(1)(c) of the code, MCL 500.2109, a rate for a coverage is unfairly discriminatory in relation to another rate for the same coverage if the differential between the rates is not reasonably justified by differences in losses, expenses, or both, or by differences in the uncertainty of loss, for the individuals or risks to which the rates apply. A reasonable justification must be supported by a reasonable classification system; by sound actuarial principles when applicable; and by actual and credible loss and expense statistics or, in the case of new coverages and classifications, by reasonably anticipated loss and expense experience.

(2) A rate is not unfairly discriminatory because it reflects differences in expenses for individuals or risks with similar anticipated losses, or because it reflects differences in losses for individuals or risks with similar expenses.

(3) A reasonable classification system is a system designed to group individuals or risks with similar characteristics into rating classifications that are likely to identify significant differences in mean anticipated losses or expenses, or both, between the groups, as determined by sound actuarial principles and by actual and credible loss and expense statistics or, in the case of new coverages or classifications, by reasonably anticipated loss and expense experience.

(4) Sound actuarial principles must include, but are not limited to, all of the following principles:

(a) That data used in developing classifications and rates are derived from the experience of a population or sample of risks that is sufficiently similar to the anticipated insured population so that the statistics obtained can reasonably be expected to produce representative and reliable estimates of the anticipated loss and expense experience for the insured population and are calculated in a manner that is suitable to their intended use.

(b) That a reasonable predictive relationship can be demonstrated to exist between a characteristic used in defining a rating classification and anticipated losses, anticipated expenses, or the uncertainty of loss for the risks to which the classification applies.

(c) That if rates for individual rating cells are calculated by means of arithmetic combinations of relativities for the classifications defining those rating cells, the relativities are combined in a manner that equitably reflects the anticipated loss and expense experience for those rating cells.

(d) That sampling techniques used in developing classifications and in estimating loss and expense experience are suitable to their intended application.

(e) That with regard to private passenger automobile insurance and private residential property insurance, rates for an insurance coverage provided are established in a manner that can reasonably be anticipated to produce loss ratios that are substantially uniform among the classifications, kinds, or types of individuals or risks to which the rates apply. Evaluation of loss ratios must make appropriate adjustments for differences in deductibles and limits of liability among insureds, for expense provisions that are not allocated to premiums on a percentage-of-premium basis, and for differences in contingency factors among classifications and must give due consideration to the credibility of experience for groupings of individuals or risks, to trends in past and prospective loss experience, and to historical patterns between projected and realized loss ratios. For purposes of this subdivision, “substantially uniform” means the absence of significant variations among loss ratios. This subdivision does not prohibit the use of appropriate pure premium relativities to estimate or evaluate rate relativities.

(5) Data of an insurer or rating organization used in calculating actual and credible loss statistics must be of sufficient volume, or combined in an appropriate manner with suitable data of sufficient volume, so that the statistics calculated are reasonably credible and can reasonably be anticipated to produce reliable estimates of anticipated loss and expense experience.

(6) Data for reasonably anticipated experience used in calculating rates for new coverages and in establishing new classifications must, to the extent possible, be based on actual experience for similar

coverages and for groups of risks similar to the proposed classification and be of sufficient volume so that statistics produced can reasonably be anticipated to produce reliable estimates of loss and expense experience.

(7) Relevant external information, including general economic data and other indicators, may be given due consideration in evaluating or projecting loss and expense experience.

R 500.1506 Expense provisions.

Rule 6. (1) The expense portion of a rate must, with regard to each category of expense, be examined and evaluated independent of the loss portion of the rate. Expenses must not be presumed to change by the same percentage as losses are anticipated to change.

(2) Predictions of future expense costs must give due consideration to trends and changes in historical expense levels, in actual or reasonably allocated expenses incurred, and in external expense indices and indicators.

R 500.1507 Expense allocation.

Rule 7. (1) Expense provisions for each category of expenses must be reasonably allocated among classifications in a manner that equitably reflects variations, if any, in the manner in which those expenses are anticipated to be incurred with respect to the groups of individuals or risks defined by those classifications. Expenses, other than allocated loss adjustment expenses, must not be presumed to be incurred proportionally to classification relativities based on anticipated loss.

(2) Expense provisions for premium taxes, if any, must reflect the applicable premium tax rate.

(3) Expense provisions for each other category of expenses must be reasonably allocated among classifications based on losses, coverages, exposures, or other basis that equitably measures the variations, if any, in the manner in which those expenses are anticipated to be incurred with respect to the classifications. Expense allocation methods may include percentage-of-premium, uniform-per-coverage, uniform-per-exposure, or other basis, as appropriate and justified.

R 500.1508 Complaint-resolution process; notice of rights; private informal managerial-level conference.

Rule 8. (1) At the time of a denial of automobile insurance or home insurance, the insurer or producer making the denial shall provide the person subject to the denial written notice of his or her right to submit a complaint and to have a private informal managerial-level conference if he or she has reason to believe that the denial is improper.

(2) If a person has reason to believe that he or she has been charged in incorrect premium and informs the insurer or producer of that belief, the insurer or producer shall promptly provide the person written notice of his or her right to submit a complaint and to have a private informal managerial-level conference.

(3) The written notices required under subrule (1) and (2) of this rule must be in language understandable to a person of ordinary intelligence and must include, but need not be limited to, an explanation of all of the following:

(a) The person's right to submit a complaint and the procedure the person shall follow if he or she wishes to submit a complaint.

(b) The person's right to be provided information pertinent to the denial or premium charge upon request, subject to payment of a reasonable copying charge. An insurer's reasonable copying charge under this subdivision must not exceed the rate charged for copying by the department in accordance

with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The director shall inform insurers of that maximum allowable copying charge on an annual basis.

(c) The person's right to a private informal managerial-level conference addressing the complaint with the insurer, the procedure the person shall follow if he or she wishes to request a private informal managerial-level conference, and the process applicable to a private informal managerial-level conference. All of the following apply to that process:

(i) If a private informal managerial-level conference is requested, the conference and proposed resolution must be provided by the insurer within 30 days after the date of the person's request.

(ii) The private informal managerial-level conference may be held by telephone, video teleconference or other substantially similar electronic means, or in-person, as long as the following requirements are met:

(A) If the conference is held by telephone or video teleconference or other substantially similar electronic means, the insurer shall state at the beginning of the conference that it is a private informal managerial-level conference and identify all persons by name and title who are listening to, or otherwise participating in, the conference. In addition, the insurer shall either provide a toll-free telephone service or other service at no cost to the person making the complaint, or pay all charges associated with the conference. As applicable, the written notice must indicate the telephone number that must be called and state that the telephone number may be called collect if a toll-free number is not provided or explain in sufficient detail other instructions for participating in a conference held by video teleconference or other substantially similar electronic means.

(B) If the conference is held in-person, the conference must be held within a reasonably accessible distance from the Michigan residence of the person or persons named on the policy as insured or the location of the risk and be held at a time reasonably convenient to the person making the complaint or the person's designated representative.

(iii) The private informal managerial-level conference must include the participation of the person making the complaint, or the person's designated representative, and a supervisory or higher level representative of the insurer who is authorized to decide the dispute on behalf of the insurer.

(d) The person's right to submit a complaint to the director and for a review and determination if the private informal managerial-level conference fails to resolve the dispute. The written notice must explain this right as described in R 500.1510.

(e) The person's right to appoint another person as his or her designee to act on his or her behalf throughout the complaint-resolution process set forth in this rule and R 500.1509 to R 500.1514.

(4) A compliant, request for information pertinent to the denial or premium charge, and request for a private informal managerial-level conference submitted pursuant to subrule (3) of this rule must be made not later than 30 days after the date of the written notice required under subrule (1) or (2) of this rule unless an exception is made by the insurer to extend that 30-day period. An exception extending the 30-day period under this subrule must be in writing and provided to the person making the complaint or request for information or private informal managerial-level conference.

(5) An insurer or producer shall send the written notices required under subrules (1) and (2) of this rule, or if applicable, a written extension of the 30-day period under subrule (4) of this rule, by mail, unless the insurer or producer and the person entitled to the notice or extension have previously agreed to another means of communication and that agreement includes within its scope the notice or extension contemplated under this rule and is consistent with applicable law.

R 500.1509 Complaint-resolution process; information provided following private informal managerial-level conference.

Rule 9. (1) Upon the conclusion of a private informal managerial-level conference, the insurer shall provide the person making the complaint the following information in writing and in language understandable to a person of ordinary intelligence:

- (a) The action taken by the insurer to resolve the dispute.
 - (b) The facts and documentation supporting the action.
 - (c) The specific section or sections of the law supporting the action.
 - (d) A statement explaining the person's right to submit a complaint to the director and for a review and determination within 120 days after the date that the information under this rule is mailed or provided if the person disagrees with the proposed resolution included in the information. The statement must also provide instructions regarding how to submit a complaint to the director and request a review and determination, provide the department's toll-free number and mailing address, and clearly indicate the date that the information under this rule is mailed or provided.
 - (e) A statement describing the status of the automobile or home insurance coverage or coverages involved.
- (2) The insurer shall mail the information under subrule (1) of this rule to the person making the complaint, unless the insurer and the person have previously agreed to another means of communication and that agreement includes within its scope providing the information contemplated under this rule and is consistent with applicable law.

R 500.1510 Complaint-resolution process; right to director's review and determination; review of written materials; meeting.

Rule 10. (1) If a person has reason to believe an insurer or producer has improperly denied him or her automobile insurance or home insurance or has charged an incorrect premium for that insurance and a private informal managerial-level conference fails to resolve the dispute because the person disagrees with the insurer's proposed resolution following the conference or the insurer did not provide a private informal managerial-level conference and proposed resolution within 30 days after the date of the person's request, the person has a right to submit a complaint to the director and for a review and determination to resolve the dispute.

(2) The person making the complaint shall submit the complaint and request for the director's review and determination in a form and manner approved by the director within 120 days after the date the insurer mails or provides the information required under R 500.1509 or within 120 days after the expiration of the 30-day period that the insurer has to provide a proposed resolution to the person making the complaint if no proposed resolution is provided during that 30-day period.

(3) The person making the complaint is entitled to a review of the dispute by the director either through a review of written materials or, upon the person's written request, through a meeting, subject to subrule (4) of this rule. A request for a meeting must be made at the same time the person submits the complaint and request for the director's review and determination.

(4) A meeting requested pursuant to subrule (3) of this rule, may, as permitted by the director, be held by telephone, video teleconference or other substantially similar electronic means, or if requested by the person making the complaint, in-person. A request for an in-person meeting must be made at the same time the person submits the complaint and request for the director's review and determination. Any meeting under this subrule must include the director or his or her designee, the person making the complaint or his or her designated representative, and a supervisory or higher level representative of the insurer authorized to act on behalf of the insurer. If an in-person meeting is held, the insurer's authorized representative may participate through telephone or video teleconference or other substantially similar electronic means. The director shall conduct any meeting under this subrule in a manner that allows the

person making the complaint and insurer to present relevant facts, records, dates, times, and names to substantiate their respective positions regarding the dispute.

R 500.1511 Complaint-resolution process; notice of director's review of dispute.

Rule 11. The director shall do all of the following within 10 business days after the director receives a complaint and request for the director's review and determination, as applicable:

(a) For a review and determination conducted through a meeting pursuant to R 500.1510(4), set a time for the meeting and notify the person making the complaint and the insurer of the time, manner, and place of the meeting.

(b) For all review and determinations, notify the insurer of the time period within which any reply must be submitted to the director and of the disputed issue or issues under consideration. A copy of that notification must be provided to the person making the complaint.

R 500.1512 Complaint-resolution process; basis for director's determination; failure to supply materials or information.

Rule 12. (1) If a review and determination is conducted through written materials, the director shall base his or her determination upon written materials submitted by the person making the complaint and the insurer.

(2) If a review and determination is conducted through a meeting pursuant to R 500.1510(4), the director shall base his or her determination upon written materials submitted by the person making the complaint and the insurer, any statements made at the meeting, or a combination of both.

(3) If the person making the complaint or the insurer fails to supply any materials or information in a timely manner, the director shall base his or her determination upon materials and information available to the director at the time of the determination.

R 500.1513 Complaint-resolution process; director's decision; contested case.

Rule 13. (1) If a review and determination is conducted through written materials, the director shall issue a written decision of his or her determination of the disputed issue or issues within 15 business days after the insurer submits a reply to the complaint during the time period established by the director under R 500.1511 or, if a reply is not submitted to the director during that time period, within 15 business days after that time period has expired.

(2) If a review and determination is conducted through a meeting pursuant to R 500.1510(4), the director shall issue a written decision of his or her determination of the disputed issue or issues within 15 business days after the meeting is concluded.

(3) The director shall indicate in the written decision that if either the insurer or the person making the complaint disagrees with the determination, the director, if requested to do so, shall proceed to hear the matter as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) The director shall provide copies of the written decision to the insurer and the person making the complaint.

R 500.1514 Complaint-resolution process; remedies based on director's review and determination.

Rule 14. (1) Subject to subrule (2) of this rule, if the director concludes that the person making the complaint was improperly denied automobile insurance or home insurance, the director shall order an appropriate remedy.

(2) If the director concludes that the automobile insurance or home insurance of the person making the complaint was improperly terminated, the person may select any of the following remedies:

(a) The termination is deemed invalid and coverage is reinstated effective as of the date of the termination upon payment of the applicable premium.

(b) The termination is deemed invalid and coverage is reinstated effective as of the date of the director's decision issued under R 500.1513 upon payment of the applicable premium, subject to the following conditions if the person has secured coverage from an insurer other than the insurer that improperly terminated the insurance:

(i) Upon notice from the person, the coverage must be canceled and the insurer providing the coverage shall provide the person a refund of premium pursuant to the insurer's filed rating rules.

(ii) The insurer that improperly terminated the insurance shall pay the person any additional premium expenditures incurred by the person as a result of seeking additional coverage in excess of the pro rata premium the person would have paid for the coverage from the improperly terminating insurer for the same period of time.

(c) If the person has secured coverage from an insurer other than the insurer that improperly terminated the insurance, the person may continue that coverage, and the termination is deemed invalid but coverage is not reinstated.

(3) If the director concludes that the person making the complaint was charged an incorrect premium, the director shall order an appropriate remedy.

(4) If the director orders an appropriate remedy under this rule, the insurer shall, within 10 business days after the director's order, comply with the director's order, provide the required remedy to the person making the complaint, if any, and provide documentation to the director showing how the specific remedy was determined, calculated, or assessed when providing it to the person.

R 500.1515 Collection and reporting of data by insurers.

Rule 15. For purposes of section 2127 of the code, MCL 500.2127, all of the following apply:

(a) Every insurer subject to chapter 21 of the code, MCL 500.2101 to 500.2131, underwriting automobile insurance or home insurance, or both, in this state shall report data concerning the insurance in accordance with statistical plans and reporting forms approved by the director. The reporting plans and forms must provide for the collection of only the information the director finds necessary to monitor and evaluate the automobile and home insurance markets in this state, as provided in section 2127 of the code, MCL 500.2127.

(b) Statistical plans approved by order of the director for licensed statistical gathering agencies are accepted to provide adequate historical premium, exposure, loss, and expense information for automobile and home insurance.

(c) Supporting data for automobile and home insurance rate filings submitted in accordance with the forms with instructions issued by the director are assumed to comply substantially with information needs for evaluating overall rate level needs, 1 of the elements in monitoring and evaluating markets per section 2127 of the code, MCL 500.2127.

(d) The director shall accept annual statement data on 1 element in the process of monitoring competition.

R 500.1516 Exchange of claim information.

Rule 16. Every insurer subject to chapter 21 of the code, MCL 500.2101 to 500.2131, shall exchange claim information for automobile insurance and home insurance as provided in these rules to the extent the information is available from the responding company's data base. The information must not be requested for selected policyholders on the basis of age, sex, or other factor that is discriminatory in nature.

R 500.1517 Exchange of automobile insurance claim information.

Rule 17. (1) Every insurer subject to chapter 21 of the code, MCL 500.2101 to 500.2131, underwriting automobile insurance shall respond, on a form similar to figure 1 under R 500.1521, within 30 calendar days, to a request by another insurer for information concerning the claim history of a specified person.

(2) The reporting insurer shall report automobile insurance claim information as follows:

- (a) The name and address of the insured.
- (b) The policy number of such insured.
- (c) The name of the driver of the insured vehicle, if known.
- (d) The period of time insured, if available, but in all cases, the expiration date.
- (e) Whether the claim is open or closed at the time of the report.
- (f) Date or dates of loss.
- (g) Amount of loss paid under each coverage.

(3) The requesting insurer shall specify in its request for claim information the name, address, and responding company's policy number of the insured who is the subject of the request. The requesting insurer shall also provide with the request a stamped, addressed envelope for the return of the completed claim information form.

R 500.1518 Exchange of home insurance claim information.

Rule 18. (1) Every insurer subject to chapter 21 of the code, MCL 500.2101 to 500.2131, underwriting home insurance shall respond, on a form similar to figure 1 under R 500.1521, within 30 calendar days, to a request by another insurer for information concerning the claim history of a specified person. The claim information requested or reported must be information as described in section 2111(7)(f) of the code, MCL 500.2111.

(2) The reporting insurer shall report home insurance information as follows:

- (a) Name and address of the insured.
- (b) Policy number of such insured.
- (c) Location of insured premises.
- (d) Date of loss or losses.
- (e) Amount paid.
- (f) Coverage involved.
- (g) Whether or not a fire loss was investigated by civil authorities.

(3) The requesting insurer shall specify in its request the name, address, and responding company's policy number of the insured who is the subject of the request. The requesting insurer shall also provide with the request a stamped, addressed envelope for the return of the completed claim information form.

R 500.1519 Exchange of claim information; reporting period.

Rule 19. An insurer is responsible for reporting, upon request, automobile insurance and home insurance claim information only for current policies or those that expired 90 days immediately preceding the date of receipt of a request for claim information. The claim information reported must cover the 3 years last preceding the expiration date, including claim information originally reported by another carrier.

R 500.1520 Fee for providing claim data prohibited.

Rule 20. A fee must not be charged by an insurer for providing the claim information required by these rules for the first 12 calendar months immediately following October 30, 1981.

R 500.1521 Figure 1.

Rule 21. Figure 1 reads as follows:

Date Submitted: _____

Named Insured _____ Address _____

Responding Company _____

Policy Number _____ Period Insured: From _____ to _____

We recently received an application for auto property (circle one) insurance from the above individual. As provided for in Section 2130 of the Insurance Code of 1956, 1956 PA 218, MCL 500.2130, please supply the claim experience for the past 3 years as available. If additional space is needed, please complete on the back of this form.

FOR AUTOMOBILE CLAIMS

Claim Status (Check One)				Amount of Loss Paid			Name of Driver of Insured
Open	Closed	Loss Date	BI	PIP	PD	Coll	Vehicle if Available
1. _____	_____	_____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____	_____	_____

FOR HOME INSURANCE CLAIMS

Location of Premises Insured	Loss Date	Amount Paid	Coverage Involved	If Investigated Made by Civil Authority Please Identify
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____

Enclosed is a self addressed stamped envelope. Thank you.
Form Completed by _____

Name of Company

Address

Date Completed

ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY

MICHIGAN GAMING CONTROL BOARD (MGCB)

OFFICE OF THE EXECUTIVE DIRECTOR

HORSE RACING GENERAL RULES

Filed with the secretary of state on March 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the office of the executive director by section 7 of the horse racing law of 1995, 1995 PA 279, MCL 431.307)

R 431.1001, R 431.1005, R 431.1010, R 431.1015, R 431.1020, R 431.1025, R 431.1030, R 431.1035, R 431.1045, R 431.1060, R 431.1065, R 431.1070, R 431.1085, R 431.1095, R 431.1101, R 431.1105, R 431.1110, R 431.1115, R 431.1120, R 431.1125, R 431.1130, R 431.1140, R 431.1145, R 431.1150, R 431.1155, R 431.1160, R 431.1165, R 431.1175, R 431.1200, R 431.1205, R 431.1210, R 431.1215, R 431.1220, R 431.1230, R 431.1235, R 431.1240, R 431.1245, R 431.1250, R 431.1255, R 431.1260, R 431.1265, R 431.1270, R 431.1275, R 431.1280, R 431.1295, R 431.1301, R 431.1325, R 431.1330, R 431.1335, R 431.1340, R 431.2001, R 431.2010, R 431.2015, R 431.2020, R 431.2025, R 431.2030, R 431.2035, R 431.2050, R 431.2055, R 431.2060, R 431.2070, R 431.2075, R 431.2090, R 431.2120, R 431.3001, R 431.3005, R 431.3010, R 431.3020, R 431.3025, R 431.3030, R 431.3035, R 431.3040, R 431.3045, R 431.3055, R 431.3060, R 431.3065, R 431.3070, R 431.3075, R 431.3080, R 431.3090, R 431.3095, R 431.3101, R 431.3105, R 431.3110, R 431.3115, R 431.3120, R 431.3125, R 431.3130, R 431.3140, R 431.3145, R 431.3155, R 431.3160, R 431.3165, R 431.3170, R 431.3175, R 431.3180, R 431.3201, R 431.3205, R 431.3210, R 431.3215, R 431.3220, R 431.3225, R 431.3230, R 431.3235, R 431.3245, R 431.3250, R 431.3255, R 431.3260, R 431.3265, R 431.3270, R 431.3275, R 431.3290, R 431.3295, R 431.3301, R 431.3305, R 431.3310, R 431.4001, R 431.4005, R 431.4010, R 431.4015, R 431.4020, R 431.4025, R 431.4030, R 431.4035, R 431.4040, R 431.4045, R 431.4050, R 431.4055, R 431.4060, R 431.4070, R 431.4075, R 431.4080, R 431.4085, R 431.4090, R 431.4095, R 431.4100, R 431.4105, R 431.4110, R 431.4115, R 431.4125, R 431.4130, R 431.4135, R 431.4140, R 431.4145, R 431.4150, R 431.4155, R 431.4160, R 431.4170, R 431.4175, R 431.4180, R 431.4185, R 431.4190, R 431.4195, R 431.4200, R 431.4210, R 431.4215, R 431.4220, R 431.4225, R 431.4230, R 431.4240, R 431.4255, R 431.4260, R 431.4265, R 431.4270, R 431.4275, R 431.4280, R 431.4285, and R 431.4290 of the Michigan Administrative Code are amended, R 431.1047, R 431.1052, R 431.1261, R 431.1302, R 431.1303, R 431.1304, R 431.2036, R 431.2094, R 431.2096, R 431.3300, R 431.5001, R 431.5005, R 431.5010, R 431.5015, R 431.5020, R 431.5025, R 431.5030, R 431.5035, and R 431.5040 are added to the Code, and R 431.1050, R 431.1055, R 431.1075, R 431.1080, R 431.1090, R 431.1135, R 431.1180, R 431.1185, R 431.1190, R 431.1195, R 431.1285, R 431.1290, R 431.1999, R 431.2005, R 431.2040, R 431.2045, R 431.2061, R 431.2080, R 431.2095, R 431.2100, R 431.2105, R 431.2110, R 431.2115, R

431.3015, R 431.3050, R 431.3085, R 431.3240, R 431.4165, and R 431.4205 of the Code are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 431.1001 Definitions; A to C.

Rule 1001. As used in these rules:

- (a) “Act” means the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.
- (b) “Age” means the number of years since a horse was foaled. Age is determined as if the horse were foaled on January 1 of the year in which the horse was foaled.
- (c) “Appeal” means a written application to the executive director for review of any decision, order, or ruling of the stewards or for review of any administrative action by the executive director.
- (d) “Arrears” means all sums that are due from a licensee, as reflected by the records of the executive director or association, for any of the following:
 - (i) Fines or forfeitures.
 - (ii) Subscriptions.
 - (iii) Entrance money.
 - (iv) Jockey or driver fees.
 - (v) Any default incident to these rules.
- (e) “Associated person” is the spouse of a disqualified person, or a companion, family member, employer, employee, partner, corporation, or other entity whose financial relationship with a disqualified person would give the appearance that the other person or entity would care for or train a racing animal or perform veterinary services on a racing animal for the benefit, credit, reputation, or satisfaction of the disqualified person.
- (f) “Association” means a legal entity that is licensed by the executive director to conduct a race meeting.
- (g) “Authorized agent” means a person who is licensed by the executive director to act on behalf of a licensed owner and whose authority to act for and on behalf of the owner is evidenced by an authorized agent application filed with and approved by the executive director. An authorized agent shall not represent more than two owners at any one time.
- (h) “Bleeder” means a horse that is determined, by a gross or endoscopic examination that is conducted by a licensed veterinarian or official veterinarian, to have hemorrhaged from within the respiratory tract during a race or workout.
- (i) “Claiming race” means a race in which a horse may be claimed pursuant to the rules promulgated under the act.
- (j) “Closing” means a designated time when all entries in a race shall be and remain in the race, unless excused by the stewards.
- (k) “Coggins test” means a blood test to determine the presence of equine infectious anemia in a horse.
- (l) “Complaint” means a written or verbal statement submitted to the stewards or executive director about an issue relating to the conduct of racing.

R 431.1005 Definitions; D to F.

Rule 1005. As used in these rules:

- (a) “Day” means a period of 24 hours beginning at 12:01 a.m. and ending at midnight.
- (b) “Disciplinary action” means an action taken by the stewards or executive director for violation of the act or these rules and may include any of the following:
 - (i) Suspension of license.
 - (ii) Revocation of license.

- (iii) Ruling off.
- (iv) Expulsion.
- (v) The assessment of a fine.
- (vi) Reprimand.
- (vii) Any combination of paragraphs (i) to (vi) of this subdivision.
- (c) “Disqualification” means an order of the stewards or executive director which revises the order of finish of a race.
- (d) “Disqualified person” means a person who is ineligible for licensing under the act or a person whose licensed status is such that he or she is temporarily ineligible to participate in racing under these rules or those of any other racing jurisdiction.
- (e) “Driver” means a person licensed by the executive director to drive a standardbred horse in harness.
- (f) “Entered in a race” means a horse that has been drawn into a specific race.
- (g) “Entry” means any of the following:
 - (i) The act of nominating a horse for a race.
 - (ii) A horse entered in a race.
 - (iii) Two or more horses which are entered in a race and which are coupled as a mutuel entry or joined in the mutuel field pursuant to rules promulgated under the act.
- (h) “Executive director” means the executive director of the Michigan gaming control board under the authority granted in Executive Reorganization Order No. 2009-31, MCL 324.99919.
- (i) “Expulsion” means the exclusion from any participation, either directly or indirectly, in the privileges and uses of the grounds.
- (j) “Forfeit” means any of the following:
 - (i) Money due from a licensee because of his or her error, fault, neglect of duty, or breach of contract.
 - (ii) The loss or return of purse money resulting from a ruling of the stewards or executive director.
 - (iii) A fine assessed a licensee by the stewards or executive director.
- (k) “Futurity” means a stake in which the dam of the competing horse is nominated either when in foal or during the year of foaling.

R 431.1010 Definitions; G to N.

Rule 1010. As used in these rules:

- (a) “Grounds” means the entire premises under the control of an association, including appurtenant parking areas and spectator areas.
- (b) “Horse” means an equine belonging to a breed eligible to race under these rules and, when used in this part, designates any equine irrespective of these rules and irrespective of age or sex.
- (c) “In harness” means a race in which performances shall be to a sulky.
- (d) “Inquiry” means an investigation into the conduct of a race which is initiated and conducted by the stewards before making a race official.
- (e) “Intended to be entered” means a horse that has its name put into the draw for a specific race.
- (f) “Jockey” means a person licensed by the executive director to ride thoroughbred horses, quarter horses, Appaloosa horses, American paint, or Arabian horses in races.
- (g) “Legal entity” means a lawful or legally standing association, corporation, partnership, proprietorship, trust, or individual.
- (h) “Lessee” means a legal entity who is licensed by the executive director as a horse owner and whose interest in a horse is a leasehold.
- (i) “Licensee” means a legal entity holding a currently valid license to participate in or conduct horse racing in this state.

(j) “Michigan-bred preferred race” means a race where Michigan-bred horses have priority for entry and horses that are not Michigan-bred are allowed to enter only if the race does not fill with Michigan-bred horses.

(k) “Michigan gaming control board” or “MGCB” means the Michigan gaming control board that was created under section 4 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.204, and that operates under the direction of the executive director of the Michigan gaming control board, to which Executive Reorganization Order No. 2009-31, MCL 324.99919, transferred all of the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the office of racing commissioner that previously existed under the act and that was abolished by that executive reorganization order.

(l) “Month” means a calendar month.

(m) “Mutuel entry” means 2 or more horses entered in a race which are coupled as a single betting interest because the horses are owned wholly or in part by the same owners or are trained by the same trainer.

(n) “No contest” means a race that was cancelled by the stewards in the best interest of racing due to an unforeseen event.

(o) “Nomination” means the naming of a horse or, in the event of a futurity, the naming of a foal in utero to a certain race or series of races, eligibility of which is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees or starting fees.

(p) “Nominator” means the person in whose name a horse is nominated for a sweepstakes, futurity, or produce race.

R 431.1015 Definitions; O, P.

Rule 1015. As used in these rules:

(a) “Objection” means a complaint filed by an owner, trainer, jockey, driver, or authorized agent against a horse, jockey, or driver in the race before the result of a race has been made official.

(b) “Official veterinarian” means a veterinarian employed by the executive director with powers and duties as specified in the act and the rules promulgated under the act and other powers and duties as delegated by the executive director, deputy director, and racing manager.

(c) “Overnight race” means a race for which entries close not more than 4 days nor less than 1 day before the race is to be held. In the absence of conditions or notice to the contrary, all entries in overnight races shall close not later than noon the day preceding the race.

(d) “Owner,” for purposes of these rules and in furtherance of promoting the safety, security, growth, and integrity of all horse racing, means a legal entity with an interest in a horse or horses.

(e) “Place,” when used in the context of a single position in the order of finish in a race, means second. When used in the context of pari-mutuel wagering, a “place” wager is one involving a payoff on a betting interest which finished first or second in a race. When used in the context of multiple positions in the order of finish in a race, “place” or “placing” means finishing first, second, or third.

(f) “Post” means a station on the race course from which a race is started. In harness racing, the post is where the horses line up behind the mobile starting gate.

(g) “Post position” means a position assigned to a horse for the start of a race.

(h) “Post time” means the time set for the arrival of the horses in a race at the starting post.

(i) “Prize” means the combined total of any cash, premium, trophy, and any other object of value which is awarded to the owners of horses according to the order of finish in a race.

(j) “Protest” means a written statement filed before a race objecting to the eligibility of a horse or person to participate in the race.

(k) “Purse” means the gross cash portion of the prize for which a race is run.

R 431.1020 Definitions; R, S.

Rule 1020. As used in these rules:

- (a) “Race” means a contest of speed among horses for a prize.
- (b) “Race meeting” means the entire period of consecutive days which is granted by the executive director to an association for the conduct of racing.
- (c) “Racing official” means all personnel, other than licensed participants, having a direct connection with the running of a race.
- (d) “Recognized meeting” means any race meet with regularly scheduled races which is licensed by, and conducted under rules promulgated by, a governmental regulatory body, including race meets in foreign countries held under the sanction of a turf authority whose jurisdiction is acknowledged by the executive director.
- (e) “Restricted area” means designated locations on the grounds where admission is limited to persons having a valid occupational license or restricted area pass.
- (f) “Ruling off” or “ruled off” means barring a person from the grounds by written order of the executive director pursuant to the act and these rules.
- (g) “Scratch” means the withdrawal of a horse entered for a race after the time of closing.
- (h) “Scratch time” means a time set by the stewards as a deadline for horsemen to scratch out of a race.
- (i) “Stake” means a race in which owners or nominators, or both, of horses entered or engaged for the race contribute to a purse to which money or any other prize may be added.
- (j) “Starter” means a horse in front of which the stall doors of the starting gate open when the official starter dispatches the field or, if a starting gate is not used or a mobile starting gate is used, when the official starter gives the word “go.”
- (k) “Suspension” means a form of disciplinary action where a licensee is considered temporarily ineligible for participation in racing.

R 431.1025 Definitions; T, W.

Rule 1025. As used in these rules:

- (a) “Trainer” means a person licensed by the executive director who shall be responsible for, and the absolute insurer of, the proper care, health, training condition, safety, and protection of horses in his or her charge.
- (b) “Winner” means a horse whose nose reaches the wire first carrying its jockey or driver, a horse whose nose reaches the wire at the same instant as the nose of a horse sharing first place carrying its jockey or driver, or a horse awarded first place by the stewards or executive director because of the disqualification of an actual first-place finisher.
- (c) “Wire” means a surveyed point crossing and at right angles to the race course at which all races conclude.
- (d) “Workout” means the training of a horse on a race course during which the horse may merely be exercised or may be tested for speed over a specified distance and the results recorded.

R 431.1030 Licensure.

Rule 1030. The executive director may delegate the responsibility of approving or denying occupational licensing to his or her authorized representatives.

R 431.1035 Occupational licensing.

Rule 1035. (1) Pari-mutuel horse racing and participation therein in this state are privileges, not rights, granted only by the executive director by license subject to the conditions set forth in subrule (3) of this rule.

(2) The executive director may consider the following in granting, denying, suspending, or revoking, an occupational license or taking disciplinary action against an occupational licensee:

(a) The person's financial history, including, but not limited to, court-imposed financial judgments, failure to honor financial obligations, or the issuance of bank instruments without having sufficient funds on deposit.

(b) The person's current financial status, including, but not limited to, outstanding indebtedness to service and supply vendors in the racing industry.

(c) The person's experience in the racing industry in capacities related to the occupational license sought.

(d) The person's history of licensure in any other racing jurisdiction.

(e) The person's competence to hold the occupational license sought measured by standardized written and practical testing and peer review, as required by the executive director.

(f) The person's general fitness in terms of mental stability, use of drugs, and record of racing violations.

(g) The person's record of criminal convictions, including, but not limited to, offenses related to the integrity and safety of racing and its participants.

(h) Any other information the executive director considers necessary.

(3) Application for an occupational license means consent and agreement by the applicant, upon application and for the duration of the occupational license, if issued, to all of the following conditions:

(a) That all representations on the application filed are complete and correct and are accompanied by fingerprint identification, proof of worker's compensation insurance, or certification of professional licensing when required, and any other information the executive director considers necessary.

(b) That he or she shall abide by all orders of racing officials, rulings and decisions of the stewards, unless reversed or modified by the executive director upon proper appeal, and all rules, regulations, and orders of the executive director, subject to review pursuant to these rules and the act.

(c) That when responsibility is placed upon a licensee, other than a trainer, by the act or these rules, the licensee shall bear the burden of proof to show freedom from negligence in the exercise of a high degree of care in safeguarding horses from tampering.

(d) That he or she shall conduct himself or herself and his or her business at all times in a manner befitting the best interests of racing and shall cooperate in every way with the executive director or his or her authorized representatives during the conduct of an investigation, including responding correctly, to the best of his or her knowledge, to all questions pertaining to racing matters.

(e) That he or she shall disclose to the executive director or his or her authorized representative, in writing, if he or she has been arrested, charged, or convicted of any misdemeanor or felony offenses, not including traffic offenses.

(f) That he or she shall report to the executive director or his or her authorized representative when he or she has been prescribed or is taking any medication that may impair the person's ability to perform tasks that require a license or that carry this or a similar warning: Do not operate heavy machinery while taking this medication.

(g) That he or she is under a continuing duty to provide any information requested by the executive director or his or her authorized representative.

(h) That he or she shall not interfere with or use abusive or disrespectful language or conduct when addressing a steward, authorized representative of the executive director, racing official, or person serving under a racing official.

(i) That he or she shall not, at any time or place, commit an assault, an assault and battery, threaten bodily injury, or do bodily injury to any person involved in racing.

(4) The executive director may require a person who has been denied a license or has had a license suspended or revoked by another racing jurisdiction to seek reinstatement in the jurisdiction where the license was denied, revoked, or suspended.

(5) A person whose license has been revoked or suspended, whether in this jurisdiction or any other jurisdiction and whether temporarily for investigation or otherwise, for the duration of his or her revocation or suspension, is not permitted, whether acting as an agent or otherwise, to subscribe, enter, or race any horse, either in his or her own name or in the name of another person.

(6) Trainers and vendors operating within restricted areas of the grounds shall ensure that they and their employees are licensed. Additionally, a trainer shall ensure that each owner for whom he or she trains is properly licensed. A horse in a trainer's care shall not be programmed in a race unless at least an application for the owner's license is on file with the executive director.

(7) A person under the age of 18 shall not be granted an occupational license, except upon presentation of proof of age and, if employed by anyone other than a parent or legal guardian, submission of working papers as required by law. The minor child of an owner may, without working papers, be granted an owner's license by the executive director if the parent who is an owner files with the minor's license application an agreement assuming responsibility for all financial, contractual, or other obligations of the minor child relating to racing.

(8) A person under the age of 16 shall not be licensed as a jockey or driver.

(9) The license applications of stable employees, association employees, and employees of vendors operating within restricted areas of the grounds shall be endorsed by their employers.

(10) Exercise riders, pony riders, and any person intending to exercise a horse upon a race course during a race meeting may be required by the stewards to demonstrate their horsemanship.

(11) The trainer shall maintain on file with the executive director an up-to-date stable roster of owners, employees, and any others having access to the trainer's assigned premises. The stable roster shall contain all information considered necessary by the executive director.

(12) Except when a trainer has a 50% or greater ownership interest in his or her horse, there must be a mutually agreed upon written contract between the trainer and owner. This contract must include, but is not limited to, at least the following terms and conditions:

(a) The financial responsibility of each party.

(b) Specific horse health care requirements.

(c) Potential claiming status.

(13) An individual, other than a licensee, seeking entry into a restricted area shall apply for a restricted area pass from the executive director. A restricted area pass is valid only for the time and place designated on the pass. The stewards shall review and approve or deny all applications for restricted area admission. Restricted area passes shall not be issued for admission to the paddock at a race meeting. However, a spouse of an owner or trainer may have his or her restricted area pass endorsed to permit him or her into the paddock when accompanied by the licensed spouse. Restricted area passes shall not be issued to anyone who would usually require a license.

(14) Each applicant for an occupational license as an owner may be issued only one provisional license good for 1 race day or 2 adjacent days.

(15) In the event of an owner's death, the trainer may continue to race the horse if a person designated as executor supplies the executive director or his or her authorized representative with verification of his or her status as executor and applies for an owner's license.

R 431.1045 Separate licensure.

Rule 1045. Each type of racing permitted by the act requires a separate and distinct occupational license for participation.

R 431.1047 Certified Horsemen's Organizations (CHO).

Rule 1047. (1) A horsemen's organization must annually register in a manner and form prescribed by the executive director.

(2) Unless otherwise directed by the executive director, a horsemen's organization must file its registration and all supporting materials no later than September 1 of the year preceding the calendar year in which the race meeting would be conducted.

(3) The registration of a horsemen's organization for a calendar year becomes effective upon the approval of the executive director, not upon the filing of the registration.

(4) The registration for an upcoming calendar year must be approved by the executive director before a CHO is entitled to receive or distribute any simulcast purse pool funds, live racing funds, or funds paid into the pari-mutuel horse racing disbursement account.

R 431.1050 Rescinded.

R 431.1052 Authorization of workouts or qualifying races at training centers.

Rule 1052. (1) Before authorizing workouts or qualifying races at a training center, a legal entity must submit information in a manner and form prescribed by the executive director.

(2) If workouts or qualifying races are authorized by the executive director, the training center agrees to the following terms and conditions:

(a) To be bound by and comply with the act, these rules, executive director orders, public policy of this state, and any other local, state, and federal law.

(b) To conduct timed workouts and qualifier races to the same standards and requirements governing those activities in this state at pari-mutuel race meetings.

(c) To not allow any wagering at the training center and promptly report to the executive director or his or her authorized representative any person who is found to be wagering.

(d) To maintain records regarding the management and operation of the training facility and make the records available to the executive director or his or her authorized representative upon request.

(e) To allow inspections by an authorized representative of the executive director at any time.

(f) To ensure all participants at the training center are licensed under the act and these rules.

(g) To maintain its facility by making necessary improvements, additions, or corrections to the facility, fixtures, equipment, or procedures as required by the executive director.

(3) Failure to comply with the conditions set forth in subrule (2) of this rule may result in withdrawal of authorization to conduct timed workouts and qualifying races.

R 431.1055 Rescinded.

R 431.1060 Occupational license fees.

Rule 1060. (1) Occupational license fees shall be set by the executive director.

(2) A license fee receipt admits an applicant to restricted areas only during the period designated by the executive director on the face of the receipt.

R 431.1065 Ownership.

Rule 1065. (1) Every legal entity having an ownership interest in a horse must be licensed as an owner.

(2) If a legal entity with more than 4 individuals owns interest in a single horse, each individual holding a 5% or greater beneficial interest must be licensed as an owner. Individuals owning less than 5% must be eligible for licensure as an owner.

(3) A joint ownership agreement or lease shall accompany the application for an owner's license.

(4) The executive director may deny, suspend, or revoke the license of any owner whose ownership of a horse is qualified or limited in part by the rights or an interest in such horse being held or controlled by any other person or persons who would be ineligible for licensing under these rules.

(5) A corporate or syndicate name, if any, is considered a stable name for the purpose of these rules. The executive director reserves the right to refuse registration of any corporate or syndicate name.

(6) The stewards may grant an owner with less than a 5% ownership or beneficial interest in a horse a license if the owner can establish a bona fide need for the license.

R 431.1070 Leases; validity; terms.

Rule 1070. (1) Horses may be raced under a lease if the lease agreement is submitted in a manner and form prescribed by the executive director and is approved by the stewards. For the purposes of racing a horse in this state, the stewards may at any time suspend or revoke their approval of a lease upon a determination that the lease is not in the best interest of racing.

(2) For racing purposes, a lease must not be approved by the stewards unless all of the following provisions are complied with:

(a) The lessee and lessor are licensed as owners.

(b) Each of the signatures of the lessor and lessees on the lease agreement are subscribed and sworn to before a notary public.

(c) A horse is not leased more than once per calendar year without approval of the stewards.

(d) Conditions of the lease specify, as to parties to the lease, whether the subject horse may be entered to be claimed. If the lessor agrees that the subject horse may be entered to be claimed, conditions of the lease shall specify the minimum price for which the subject horse can be entered and to whom the claiming price is payable.

(e) Conditions of the lease specify that upon claim of the subject horse, the lease terminates and all rights in and to such horse pass to the claimant as a bona fide purchaser.

(f) The lease completely divests the lessors of further control or direction of the racing performance of such horse while under lease, and the lease ensures that the resultant program listing of the lessee will not mislead the betting public by reason of the absence in the program listing of the name of a person or persons who possess a beneficial interest in such leased horse.

R 431.1075 Rescinded.

R 431.1080 Rescinded.

R 431.1085 Waiver of rules.

Rule 1085. The executive director may waive these rules with respect to any 1 horse owned by any legal entity to permit the horse to participate in a specific race of special interest to the sport and this state.

R 431.1090 Rescinded.

R 431.1095 Associations; duties.

Rule 1095. (1) Each association licensed by the executive director, and each licensed association's officers, directors, officials, and employees, shall observe and enforce the laws of this state, the rules promulgated under the act, and orders of the executive director at and during race meetings conducted by the association. Each association, and its officers, directors, and employees, shall also honor all written orders of expulsion or ruling off issued by the executive director, and pursuant thereto shall immediately eject and exclude from the grounds any person whom the association, or its officers,

directors, or employees, knows to be under expulsion and ruled off pursuant to the written order of the executive director.

(2) Each association shall provide a competent and adequate security force, night and day, in and about the grounds and shall police and maintain order on its grounds so as to reasonably insure the safety of all persons on its grounds and protect and preserve the integrity of racing and pari-mutuel wagering conducted on its grounds.

(3) Each association shall exclude all of the following from its grounds:

(a) Upon written notification of the executive director, all persons whom it knows have been designated by written order of the recognized racing authority in another recognized racing jurisdiction to be under expulsion, ruled off, or otherwise excluded from grounds in such other racing jurisdiction.

(b) All persons whom it knows to be engaged in activities on the grounds to avoid, or aid others in avoiding, compliance with federal or state income tax laws or rules pertaining to gambling winnings derived from pari-mutuel wagering.

(c) All persons whom it knows to be engaged in bookmaking or other illegal wagering or gambling activities on the grounds.

(d) All persons whom it knows to be engaged in touting or the illegal solicitation of bets on the grounds.

(e) All persons whom it knows to be engaged in activities to unlawfully influence or fix the results or outcome of a race conducted on the grounds.

(f) All persons whom it knows have been convicted of crimes involving fraud or deception in the conduct of racing or pari-mutuel wagering.

(g) All persons whose presence and conduct on the grounds reasonably threatens the health and safety of other persons on the grounds or reasonably threatens or undermines public confidence in the integrity of racing or pari-mutuel wagering conducted on the grounds.

(4) Each association shall eject and exclude, from its stable areas, paddock, and other restricted areas, any person not authorized for admission to such areas under these rules.

(5) Each association may, in its sole discretion and on its own volition, eject or exclude from its grounds, or any part thereof, any person, licensed or unlicensed, for any reason it considers appropriate and without giving any reason or cause therefor, if, however, such ejection or exclusion is not based in any way upon the person's sex, race, color, creed, or national origin and is not otherwise in violation of state or federal law.

(6) When any association ejects or excludes any person from its grounds, it shall promptly report such action to the executive director in writing.

(7) The association shall provide the executive director with copies of available police reports pertaining to conduct on the grounds.

(8) The stable area of each licensed track shall be enclosed by a fence or other barrier of reasonable height that will deter entry of unauthorized persons.

(9) The association shall maintain a 24-hour guard at any entrance to the stable area 30 days before and during the live race meeting if horses are stabled on the grounds.

(10) The stable area shall be patrolled by track security officers, who shall pay special attention to the presence of unauthorized personnel, to the enforcement of fire prevention measures, and to the inspection of tack rooms and living quarters for fire hazards and contraband.

(11) An association shall take prompt corrective action on all fire safety deficiencies noted in inspections by local and state fire marshals.

(12) An association shall provide protected sheds for the storage of hay, straw, feed, and other flammable materials.

(13) An association shall at all times maintain its grounds and facilities so as to be neat and clean, painted, and in good repair, with special consideration for the comfort, health, and safety of patrons,

employees, and other persons whose business requires attendance, and with special consideration for the health and safety of horses stabled, exercising, entered to race, or racing, at the association's facilities.

(14) An association shall provide and maintain lighting to ensure illumination in the stable, spectator, and parking areas.

(15) An association shall provide and maintain facilities for drivers and jockeys. Separate toilet and dressing facilities shall be provided for female and male drivers and jockeys.

(16) An association shall provide all of the following:

(a) Training and race course surfaces that are safe and humane.

(b) Proper equipment to maintain race course surfaces.

(c) Sufficient trained personnel to properly operate maintenance equipment and to assess needs in race course maintenance on a day-to-day basis.

(d) Daily records must be kept on the condition and maintenance of each training and racing surface.

The records shall be available and submitted to the stewards upon request.

(17) An association shall have in attendance, during all live racing and morning training hours, at least 1 ambulance and 1 horse ambulance with personnel to render first aid and transport injured persons or horses to the most suitable place available for medical or veterinary treatment. A licensed paramedic or licensed EMT may be substituted for an ambulance during training hours with prior approval of the executive director. Ambulances shall be stationed near an entrance to the racing surface.

(18) An association shall equip and maintain adequate first aid facilities with medical personnel in attendance.

(19) An association shall install and maintain in good service a communication system between the stewards' stand and all of the following persons or places:

(a) Pari-mutuel department.

(b) Starting gate.

(c) Clerk of scales.

(d) Clerk of course.

(e) Paddock judge.

(f) Patrol judges.

(g) Official veterinarian.

(h) Detention barn.

(20) For pari-mutuel wagering, an association shall use either a totalisator or another mechanical device which is equal in accuracy and clearness to the totalisator and which is approved by the executive director. No other place or method of betting, pool making, wagering, or gaming shall be used or permitted without the executive director's approval.

(21) An association conducting racing shall provide photo finish service of a type and quality approved by the executive director as an aid to the stewards, in determining the order of finish. When a photo finish picture is used to determine the order of finish, the picture, or true copies or projections thereof, shall be posted or projected for public inspection as required by the stewards or executive director. Film strips shall be preserved by the association for 1 year.

(22) An association conducting racing shall install an automatic electric timing device in conjunction with the photo finish camera or independent of the photo finish camera for the purpose of accurately recording the timing of all races. This time shall be considered as the official time of each race.

(23) The association shall designate an approved racing official as timer. The final time recorded by the timer on a hand-held watch or device of similar accuracy shall be the official time of a race if the electric timer fails.

(24) An association shall make a visual recording of each race including qualifying races. The recording shall be by videotape or other means approved by the executive director. The equipment necessary to promptly show the recordings to the stewards to assist them in determining questions

pertaining to a race shall be provided by the association. The recordings shall in all cases be considered only as aids to the stewards. A visual recording of all views of each race shall be preserved by the association in a secure manner for 90 days after the close of a meeting or for a longer period set by the stewards or executive director. Specific recordings shall be shown to the stewards at any time during the meeting or shall be delivered to the executive director or his or her authorized representative at any time upon request. As the stewards consider necessary, and for the purpose of educating jockeys, drivers, and racing officials, the association may show visual recordings of races to jockeys, drivers, and racing officials on the racing day following the races in question.

(25) The association shall display post time a reasonable time before a race on a clock device provided for that purpose, on the infield results board, or on another prominent structure which is clearly readable from the spectator areas.

(26) An association conducting racing shall maintain a paddock that secures horses preparing to race in the daily program. The paddock shall be entirely enclosed and the gate or gates into the enclosure shall be controlled to exclude unauthorized persons.

(27) During racing hours, the association shall provide the services of a blacksmith and extra equipment in or adjacent to the paddock to ensure the proper conduct of racing without unnecessary delay.

(28) An association shall provide necessary office space with proper conveniences and adequate parking spaces for the executive director and his or her authorized representatives. Identification signifying the bearer as a representative of the executive director shall be honored for entrance to all points on the grounds.

(29) The names and addresses of the racing officials with at least 1 back up for each position shall be submitted to the executive director not less than 30 days before the start of the race meeting and shall thereafter be approved or disapproved by the executive director.

(30) Racing officials subject to the approval of the executive director shall not hold more than 1 official position during a race meeting unless approved by the executive director.

R 431.1101 Admissions.

Rule 1101. (1) A person required to be licensed by these rules shall not be admitted to the stables or other restricted area of the grounds without a current valid license or restricted area pass in his or her possession. An association may permit a person to enter restricted areas for a period of not more than 10 days after the filing of a license application if the applicant possesses a license fee receipt.

(2) Policemen, firemen, inspectors, and other public officials acting in the performance of their duties; employees of utility firms; or employees of companies doing construction in restricted areas are exempt from the provisions of this rule. However, any exempted person shall identify himself or herself and explain the purpose of his or her visit before admission.

R 431.1105 Entering and departing restricted areas; sign in and sign out.

Rule 1105. All licensed persons entering restricted areas of the grounds during other than normal racing and training hours shall sign in upon arrival and check out upon departure. The person's name, occupation, and license plate number shall be recorded. Exempt persons, other than policemen and firemen in the performance of their duties, shall sign in and out at all times during a race meeting.

R 431.1110 Logging entry and departure of horses.

Rule 1110. (1) The identity of all horses entering and leaving the stable area of an association conducting a race meeting shall be logged in and out at the stable area gate.

(2) The log book entry shall include all of the following information:

- (a) The date and time in or out.
- (b) Name of horse.

- (c) Driver and all occupants of the transporting vehicle.
- (3) A dead horse shall not be removed from the grounds without prior notification of the official veterinarian or the stewards.
- (4) Confirmation of a current negative Coggins test and required vaccinations shall be provided for all horses entering the grounds. For horses from another state, a current health certificate is also required.

R 431.1115 Reporting violations.

Rule 1115. (1) If a person who is licensed as a participant in racing is approached with any of the following, that person shall report the offer, request, or suggestion to the executive director:

- (a) An offer or promise of a gratuity
- (b) A request or suggestion of any of the following:
 - (i) A bribe.
 - (ii) Any improper, corrupt, or fraudulent act or practice in relation to a race or racing.
 - (iii) That any race be conducted other than in a fair manner and pursuant to the rules.
- (2) Failure to report the offer, request, or suggestion under subrule (1) of this rule may result in disciplinary action, which may include suspension or revocation of the person's license.

R 431.1120 False statements.

Rule 1120. A licensed person who gives false or misleading statements to the executive director or his or her authorized representative in connection with any investigation pertaining to racing or any person who refuses to appear or testify after proper notice shall be subject to disciplinary action or criminal prosecution, or both.

R 431.1125 Best efforts to win.

Rule 1125. A licensee is expected to give his or her best effort to win in all races in which he or she participates. Any instruction or advice to a jockey or driver or any handling of a jockey's or driver's horse other than for the purpose of winning is prohibited. If the stewards are satisfied that a race was ridden or driven in a fraudulent manner or that the jockey or driver was instructed or induced to ride or drive in a fraudulent manner, all persons guilty of connivance in the offense shall be subject to disciplinary action or criminal prosecution, or both.

R 431.1130 Expulsion and ruling off by executive director.

Rule 1130. (1) The executive director, deputies, or authorized representative of the executive director may order any person, whether licensed or unlicensed, to be immediately ejected, ruled off, and excluded from the grounds, or any part thereof, by written order of expulsion or ruling off, for any of the following reasons:

- (a) The person's violation of the rules promulgated under the act or the act or any successor racing laws enacted after the effective date of these rules.
- (b) The person's participation in touting, the illegal solicitation of bets or wagers, bookmaking, or any other illegal wagering or gambling activity.
- (c) The person's participation in any plan, scheme, or activity to avoid, or aid another in avoiding compliance with federal or state income tax laws.
- (d) The person's conviction for any crime involving fraud or deception in the conduct of racing or pari-mutuel wagering or in the reporting of pari-mutuel gambling winnings to federal or state government tax authorities.
- (e) The person's participation in any plan, scheme, or activity to unlawfully influence or fix the results or outcome of a race.

(f) The person's participation in any plan, scheme, or activity to misrepresent the true age, pedigree, identity, ownership, or eligibility of a horse to any of the following:

- (i) The jockey club.
- (ii) United States Trotting Association.
- (iii) American Quarter Horse Association.
- (iv) Appaloosa Horse Club.
- (v) Arabian breed registry.
- (vi) The executive director.
- (vii) Any racing official.

(g) The person's participation in any disorderly conduct or public disturbance on the grounds which reasonably threatens the health and safety of other persons or horses.

(h) The person's participation in any plan, scheme, or activity to willfully and knowingly enter or start an unqualified or ineligible horse in a race.

(i) The person's participation in any plan, scheme, or activity to offer or receive any money, benefit, or other consideration for scratching an entry from a race.

(j) The person's participation in any plan, scheme, or activity to offer, promise, or give any gift, gratuity, money, property, or other valuable thing or benefit to any person having official duties in relation to the conduct of racing or pari-mutuel wagering with the intent or purpose of thereby influencing the action, judgment, or decision of such person with respect to any matter or question which may be brought before such person in his or her official capacity. Any person who has official duties in relation to the conduct of racing or pari-mutuel wagering who requests, accepts, or receives, or agrees to accept and receive, any gift, gratuity, money, property, or other valuable thing or benefit as consideration for acting, judging, or deciding a matter or question which is brought before him or her in his or her official capacity shall be ruled off the grounds and removed from his or her official position.

(k) The person's participation in any plan, scheme, or activity involving fraudulent practices in the conduct of racing or pari-mutuel wagering in this or any other country.

(l) The making of a bet with, or on behalf of, any jockey or driver, unless the bet is on a horse the jockey or driver is riding or driving.

(m) If the person is a jockey or driver, the acceptance of a ticket or the making of a bet on any horse other than the one he or she rides or drives; however, a jockey or driver may make a multiple wager if his or her horse is selected to finish first in all instances.

(n) The person's participation in any other activity or conduct which reasonably threatens the health and safety of other persons on the grounds or reasonably threatens or undermines public confidence in the integrity of racing or pari-mutuel wagering in this state.

(2) In all cases where the executive director, deputies, or authorized representatives of the executive director order a person to be ejected, ruled off, and excluded from the grounds, or any part thereof, a written order of expulsion or ruling off shall be issued and served on the person, giving the person notice of his or her expulsion and ruling off from the grounds and the reason for the expulsion or ruling off.

R 431.1135 Rescinded.

R 431.1140 Electrical devices.

Rule 1140. A person who is on the grounds under the jurisdiction of the executive director or on the grounds where horses which are eligible to race at the licensed track are kept shall not have in his or her possession, in his or her personal effects or vehicle, or in or on premises he or she occupies or controls, a battery, buzzer, prod, or other appliance, either electrical or mechanical, other than the ordinary whip, which is capable of affecting the speed or racing condition of a horse.

R 431.1145 Wagering by racing officials or association employees.

Rule 1145. A racing official or association employee or agent who has a direct connection with the running of a race shall not wager money or any other thing of value on the result of a race, and shall not solicit a stake or present from any person racing at the meeting. For the purpose of this subrule, the following persons are also included:

- (a) Assistant starters.
- (b) Jockeys' or drivers' room custodians.
- (c) Jockeys' or drivers' room employees.
- (d) Outriders, pony riders, and parade marshals.
- (e) Paddock employees.
- (f) Workout clockers.
- (g) An employee of an auditing firm present on behalf of this state.

R 431.1150 Ownership prohibition.

Rule 1150. A person approved by the executive director as a racing official, employee of a racing official, or an association employee directly connected with the running of a race or the classification of horses shall not be the owner or part owner of a horse racing at the meeting and shall not participate financially, directly or indirectly, in the purchase or sale of a horse racing at the meeting. Association employees not directly connected with the running of a race may be the owner or part owner of a horse racing at the meeting with the approval of the executive director.

R 431.1155 Bookmaking prohibited.

Rule 1155. Bookmaking or betting of any kind, other than through the pari-mutuel system, is prohibited. Any person licensed under this act who wagers in any but the prescribed manner faces disciplinary action up to and including license revocation and exclusion from all tracks under the jurisdiction of the executive director.

R 431.1160 Dissemination of information.

Rule 1160. An association employee or person licensed by the executive director shall not knowingly permit the dissemination of racing information that might be of benefit to bookmakers or others engaged in illegal betting activities. This does not prevent the prompt reporting of racing news by accredited members of the press.

R 431.1165 Financial responsibility.

Rule 1165. A licensee shall not willfully and deliberately fail or refuse to pay any monies due and owing for any services or supplies connected with his or her operations as a licensee. Presentation of a legal monetary judgment related to racing operations against a licensee may be a basis for immediate suspension, license denial, or other disciplinary action.

R 431.1175 Prohibited acts; breathalyzer and drug testing.

Rule 1175. (1) Smoking is prohibited in or around the barn or area where horses are kept.

(2) Possession of or use of controlled substances or concealed weapons in the stable area of any grounds during a live race meeting is prohibited.

(3) A licensee is prohibited from possessing or using alcohol while performing duties licensed under the act.

(4) A person in the stable area who smokes in or around the barn or area where horses are kept, who is in possession of controlled substances, alcohol, or concealed weapons, or who is under the influence of intoxicating liquor or any drug is subject to disciplinary action.

(5) The personal use by licensees of any controlled substance or excessive amount of medicant, stimulant, depressant, narcotic, or hypnotic is prohibited.

(6) Drivers, jockeys, stewards, racing officials, starting gate crew, and outriders that test positive on a breathalyzer test at or below .05% of alcohol in the blood may be relieved of their commitments at the discretion of the stewards.

R 431.1180 Rescinded

R 431.1185 Rescinded.

R 431.1190 Rescinded.

R 431.1195 Rescinded.

R 431.1200 Horses ruled ineligible; forfeiture of money and prizes.

Rule 1200. (1) Every horse trained or owned wholly or partly by disqualified person or a person who has been expelled or ruled off is ineligible to race unless authorized by the stewards.

(2) If an entry is received from any disqualified person or a person who has been expelled or ruled off or for any ineligible horse, that entry is void and the money paid for the entry, if any, shall be refunded. Any money or prize won by the entry shall be forfeited by the disqualified person or person who has been expelled or ruled off.

(3) A horse or stable entry that is ordered refused at any recognized meeting because of inconsistent racing or other cause shall not be permitted to race at a race meeting under the jurisdiction of the executive director during the continuance of the ruling.

R 431.1205 Objections, protests, and complaints.

Rule 1205. (1) Objections or protests against a horse, jockey, or driver participating in a race shall be received only when duly lodged by the owner, trainer, jockey, driver, authorized agent, or the jockey or driver of another horse engaged in the same race whose horse suffered or could suffer because of an alleged rules violation. An objection or protest also may be made by a racing official.

(2) Objections by a jockey or driver to alleged interference or fouls occurring during the running of the race shall be lodged orally with the clerk of scales or patrol judge before dismounting, shall be relayed immediately to the stewards, and shall then be lodged directly with the stewards.

(3) Complaints lodged during a race meeting shall be addressed to the stewards. Complaints lodged after the termination of a race meeting shall be addressed to the executive director.

R 431.1210 Protests, objections, or complaints; time.

Rule 1210. (1) Protests, objections, or complaints based on the following rule violations shall be lodged by persons aggrieved within the times prescribed:

(a) At least 1 hour before post time if the protest is based on incorrect weight allowance claimed for a horse entered to race.

(b) Before the race has been posted as official if the objection is based on interference by a horse, improper course covered by a horse, foul riding or driving, or any other matter occurring during or incidental to the running of a race.

(c) Not later than 48 hours after the race was run if the complaint is based on fraudulent or willful misstatement in entry under which a horse has run or any other rule violation.

(2) Licensees who make unreasonable, unwarranted, or frivolous complaints, objections, or protests may be subject to disciplinary action including a fine in an amount offsetting expenses incurred in determining the complaint, objection, or protest.

R 431.1215 Disputed races.

Rule 1215. If, after a race has been declared official, the result of a race is placed in dispute by the lodging of a complaint or appeal or by discovery of an alleged violation of the act or rules, all of the following provisions apply, pending determination of the disputed race:

(a) When, in addition to the lodging of a complaint or appeal or the discovery of an alleged violation, a positive laboratory test is reported, the stewards shall order that money from a disputed race be held by the association. The purse money being held shall be deposited in an escrow account established for that purpose. The proceeds, including interest accrued, shall be withdrawn and distributed according to the ruling of the stewards or by the final order of the executive director in a contested case, once the period of judicial review has lapsed. However, any portion of the purse money or other reward, the distribution of which would not be affected by the determination of the dispute or contested case, may be distributed at the discretion of the stewards or executive director.

(b) If purse monies or other rewards have been awarded to a licensee before the lodging of a complaint or appeal or the discovery of an alleged violation of the act or rules which places the outcome of a race in dispute, the monies or reward shall be returned immediately to the association on orders of the stewards.

(c) The horse that crosses the finish line first and any other horse for which the race is authoritatively claimed shall be liable for all penalties attaching to the winner of that race until the matter is finally adjudicated.

R 431.1220 Determination of dispute.

Rule 1220. (1) The stewards shall make a determination on all protests, objections, complaints, or alleged violations of the act or rules lodged or discovered after a race has been declared official and shall issue a ruling thereon. If the stewards find that the act or rule was violated, the stewards may take disciplinary action against persons responsible, disqualify any horses in the disputed race, and award the purse money and other rewards pursuant to the determined order of finish in the disputed race.

(2) If a horse is disqualified after a race has been declared official and the disqualification causes a revision of the order of finish of a race, the pari-mutuel payoff shall not be affected.

R 431.1230 Fines; suspensions.

Rule 1230. (1) A fine imposed by the stewards or executive director is payable within 10 calendar days of proper notice to the licensee fined. A licensee who fails to pay the fine within 10 calendar days of proper notice, if a written appeal has not been filed and a stay of penalty has not been granted, shall be suspended and remain suspended until the fine is paid.

(2) Unless fraud has been committed, all jockeys and drivers temporarily suspended shall be permitted, for 2 days following the temporary suspension, to fulfill all engagements made before the suspension.

R 431.1235 Appeals; stays.

Rule 1235. (1) A person aggrieved by any ruling, action, or decision of the stewards, or by any disciplinary action or administrative action taken by the stewards, may have a review of the decision before the executive director.

(2) A licensee may apply to the executive director for a stay of disciplinary action imposed by the stewards pending disposition of the appeal by the executive director.

(3) All appeals shall be filed, in writing, with the executive director within 10 days of proper notice of the penalty or imposition of the discipline.

R 431.1240 Final decisions and orders.

Rule 1240. A final decision or order of the executive director shall be made, within a reasonable period, in writing or stated in the record, and shall include findings of fact and conclusions of law. A decision or order shall not be made except upon consideration of the record as a whole or the portion of the record as may be cited by any party to the proceedings and as supported by and in accordance with the competent, material, and substantial evidence. A copy of the decision or order shall be delivered or mailed to each party and to his or her attorney of record, if any.

R 431.1245 Declaratory ruling.

Rule 1245. (1) Pursuant to section 63 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.263, any person may request a declaratory ruling as to the applicability to an actual state of facts of a statute, rule, or order administered by the executive director.

(2) A request for a declaratory ruling shall be submitted in writing to the executive director, and shall contain all of the following information:

- (a) Specific reference to the statute, rule, or order in question.
- (b) A complete account of the facts which actually exist for which the declaratory ruling is sought.
- (c) Contact information and the signature of the requestor.

(3) Within 90 calendar days after receiving a submitted request, the executive director shall issue a written notification by regular first-class mail to the petitioner and the petitioner's legal counsel, if any, stating whether the declaratory ruling will be issued or denied.

(4) The executive director may deny a request for declaratory ruling for any of the following reasons:

- (a) The subject matter of the request is frivolous on its face.
- (b) The statement of actual facts or issues contained in a request is indefinite, incomplete, or lacks specificity.

(c) The same, or substantially similar, actual state of facts or issue of law is under investigation or is subject to any litigation, pending or resolved.

(d) The issue in question is commonly accepted practice by industry wide standards.

(e) Other reason as determined by the executive director.

(5) After the executive director decides to issue a declaratory ruling under subrule (3) of this rule, the executive director may do any of the following:

- (a) Request more information from the person.
- (b) Request information from other interested persons.
- (c) Request information from experts.
- (d) Request oral or written arguments from interested parties.
- (e) Hold a hearing upon proper notice to all interested parties.
- (f) Issue a declaratory ruling.
- (g) Reconsider the decision to issue a declaratory ruling.

(6) A declaratory ruling shall include a statement or findings of fact, conclusions of law supported by legal authority or reasoned opinion, and the ruling or determination made.

(7) Once issued, a ruling is binding on the executive director and shall not retroactively be changed, but nothing in this rule prohibits the executive director from prospectively changing a ruling.

(8) Upon a written request to the executive director, a person may inspect, copy, or receive a copy of a declaratory ruling.

R 431.1250 Stewards; duties; majority vote.

Rule 1250. (1) The stewards shall supervise and regulate the conduct of racing at each race meeting.
(2) All questions to be decided by the stewards shall be determined by majority vote. A dissenting steward may submit a minority report.

R 431.1255 Stewards; qualifications.

Rule 1255. (1) Before being appointed or approved by the executive director to serve in the capacity of steward, an applicant shall be certified or become certified by a national organization and have been employed as any of the following at a recognized meet or meetings for a period of not less than 60 racing days a year, during not less than 3 of the 5 preceding calendar years unless approved by the executive director:

- (a) Steward.
- (b) Racing secretary.
- (c) Assistant racing secretary.
- (d) Official Starter.
- (e) Placing judge.
- (f) Patrol judge.
- (g) Paddock judge.
- (h) Clerk of scales.
- (i) Racing regulatory veterinarian.

(2) If no acceptable applicant possesses the qualifications described in subrule (1) of this rule, a person approved or appointed shall have had prior experience in horse racing, such as an owner, trainer, jockey, or driver, or other related experience as the executive director considers pertinent.

R 431.1260 Authority of stewards.

Rule 1260. Stewards are authorized to do all of the following:

(a) Make all findings of fact as to all matters occurring during an incident to the running of a race; determine all objections and inquiries based on the interference by a horse, improper course covered by a horse, foul riding by a jockey, foul driving by a driver, and all other matters occurring during an incident to the running of a race; and determine the extent of disqualification, if any, of horses in a race for a foul committed during the race. The findings of fact and determinations are final, but subject to appeal. In the performance of their duties, stewards have unrestricted access to all areas used and under the jurisdiction of other racing officials and to all areas used by occupational licensees for racing purposes.

(b) Determine all protests, complaints, or objections concerning the conduct of racing which arise during a race meeting and enforce the determinations.

(c) Fine, suspend, or rule off a participant in racing, or order ejected or excluded from the grounds any person, licensed or unlicensed, upon a reasonable belief that a violation of these rules has occurred.

(d) Fine, suspend, or rule off a participant in racing who, in their opinion, has acted to the detriment of racing, and order ejected or excluded from the grounds any other disorderly person.

(e) Interpret and enforce the rules of racing and determine all questions pertaining to a racing matter not specifically covered by these rules in conformity with justice and the best interest of racing, subject to the authority and orders of the executive director.

(f) Issue decisions or rulings pertaining to the conduct of racing which shall supersede orders of the officers, directors, and officials of an association and which shall, if the stewards consider proper, vary any arrangement for the conduct of a race meeting, including without limitation, postponing a race, cancelling a race, or ruling a race as no contest.

(g) Request and receive assistance in the investigation of possible rule infractions from all of the following:

- (i) Employees of the executive director.
- (ii) Racing officials.
- (iii) Track security forces.
- (iv) State and local police.
- (v) Investigators representing trade groups to which associations may belong.
- (h) Conduct hearings on all questions, disputes, protests, complaints, or objections concerning racing matters.
- (i) Exclude from any race a horse which is improperly equipped, dangerous, unmanageable, unfit to race, liable to cause accident or injury to another horse or a jockey or driver in a race, or of questionable identity.
- (j) Order, at any time, an examination, by the persons as the stewards consider appropriate, of any horse on the grounds or eligible to race at the meeting; order the examination of ownership papers, certificates, documents of eligibility, contracts, or leases pertaining to the horse; and require an affidavit of ownership or interest in any horse.
- (k) Refuse, for good cause, the entry to any race of any horse which is ineligible to race and order any horse removed from the grounds.
- (l) Order redistribution of race purses when the stewards consider it appropriate.

R 431.1261 Weather related race course conditions.

Rule 1261. (1) When the condition of the race course is in question due to weather, the stewards may consult with the association, outrider, a representative of the certified horsemen's organization, a representative of the jockey/driver community, or any other individuals considered appropriate by the stewards. The stewards shall determine whether to cancel races for that day.

(2) Upon a decision by the stewards that race course conditions are unsafe for racing, all races for that day must be canceled.

(3) Upon a decision by the stewards that race course conditions are safe for racing, only permitted withdrawals approved by the stewards must be allowed.

R 431.1265 Referral to executive director.

Rule 1265. The stewards may refer any matter within their authority to the executive director, summarily and without hearing, when, in their opinion, a hearing cannot be held under the conditions or in the manner prescribed in these rules, when a hearing is impractical due to the conclusion of the race meeting, or for other good and sufficient cause.

R 431.1270 Detention area.

Rule 1270. An association shall provide and maintain on its grounds an enclosure sufficient in size and with sufficient facilities to accommodate the stabling of horses temporarily detained for the taking of sample specimens.

R 431.1275 Taking of specimens.

Rule 1275. (1) The stewards or official veterinarian may, at any time, order the taking of blood, urine, or other specimen from any horse under their jurisdiction, pre-race or post-race. In all instances, specimens shall be taken from the official winning horse in a race and any other horse or horses designated by the stewards or official veterinarian.

(2) The stewards or official veterinarian, at any time, may order the taking of blood, urine, or other specimen from any horses entered in a qualifying race, after an official workout, or from any horse that is qualified or has a current timed work in the state.

R 431.1280 Specimen collection procedure.

Rule 1280. (1) The official winning horse and any other horse ordered by the stewards or official veterinarian must be taken to the detention area to have sample specimens taken at the direction of the official veterinarian. A person other than the owner, trainer, driver, or horse attendant shall not be admitted into the detention area. No more than 2 licensees per horse are allowed in the detention barn at once.

(2) Stable equipment, other than that necessary for washing and cooling out a horse, is prohibited in the detention area. A licensed veterinarian may attend a horse in the detention area only in the presence of the official veterinarian.

(3) During the taking of specimens from a horse, the owner, trainer, or horse attendant shall be present and witness the taking of the specimen and so signify in writing. In the case of a claimed horse, the original owner, trainer, or horse attendant shall be present.

(4) Urine sample collection procedure must meet all of the following requirements:

(a) All sample containers shall arrive from the testing laboratory with a tamper proof seal. The laboratory seal shall not be broken except in the presence of the person witnessing the specimen collection.

(b) A urine specimen taken from a horse shall be placed in a container and sealed with an identification label affixed. The sample must be placed in the refrigerator of the restricted access detention barn laboratory. One portion of the sample form bearing a printed identification number shall remain with the sealed container, and the other portion of the sample form bearing the same printed identification number shall be detached in the presence of the witness. The official veterinarian or his or her assistant shall, on the sample form, identify the horse from which the specimen was taken, and shall note the race and day and any other information required. The sample form shall be verified by the person witnessing the specimen collection. The sample form must be delivered to the official veterinarian's office and placed in a secure area. Every precaution shall be taken to ensure that a member of the laboratory staff does not know the identity of the horse from which a specimen was taken before the completion of all testing and reporting thereon.

(c) A horse's identity shall be confirmed by tattoo number or unique microchip. A horse which cannot be properly identified shall be reported immediately to the stewards.

(d) If, after a horse remains a reasonable time in the detention area, a specimen cannot be taken from the horse, the official veterinarian may permit the horse to be returned to its barn and usual surroundings for the taking of a specimen under the supervision of the official veterinarian or his or her assistant. A diuretic to facilitate urination shall not be administered, but an alternate specimen may be taken.

(5) Blood sample collection procedure must meet all of the following requirements:

(a) The official veterinarian shall confirm the blood collection tubes sent from the testing laboratory arrive in a sealed box and the blood collection tubes inside are sealed in a manner to prevent contamination. The expiration date on the blood collection tubes must be checked to confirm the tubes are valid until the end of the race meeting. If the blood collection tubes are not packaged in a manner to prevent contamination or the expiration date is before the end of the race meeting, all boxes of blood collection tubes affected shall be returned to the testing laboratory.

(b) The official veterinarian shall select appropriate blood collection tubes to be used along with a single use needle guard and a sterile single use needle with secure safety seal. The appropriate blood collection tubes must be carried in hand to the horse's stall. If needed, the assistant to the official veterinarian may assist. Sample tag information must be verified with the owner, trainer, or horse attendant by having that individual confirm that the horse's name and identification number on the sample tag is the same as the horse to be sampled.

(c) If in the process of preparing to draw blood or while drawing blood, a tube or needle (even if still encased in the protective cover) falls to the ground, it must be replaced with a new tube or needle.

(d) When the blood draw is complete, all tubes shall be labeled with bar code stickers from the sample tag in the presence of the owner, trainer, or horse attendant.

(e) Once labeled, the tubes must be placed in the restricted access detention barn laboratory.

(f) The trainer shall have a horse attendant present in the detention barn that is capable of restraining the horse for blood collection.

(g) Sample collection may be terminated at the discretion of the official veterinarian if continued attempts at the blood draw pose a risk to the horse, official veterinarian, or his or her assistant.

R 431.1285 Rescinded.

R 431.1290 Rescinded.

R 431.1295 Trainers; responsibilities; positive test presumptions.

Rule 1295. (1) A trainer is responsible at all times for the condition of all horses trained by him or her. A trainer shall not start a horse or permit a horse in his or her custody, care, or control to be started if he or she knows, or, through the exercise of reasonable care, might have known, or has cause to believe, that the horse has received a drug that could result in a finding of a drug. Every trainer shall assure that each horse trained by him or her is protected so as to prevent any horse from receiving a prohibited drug.

(2) When a finding of a drug is reported, the following shall be presumed concerning the horse from which the sample was taken:

(a) If the horse raced, that the drug was present in the horse during its race; or if the horse was scratched, that the drug would have been present in the horse at the time of the race from which scratched.

(b) The drug was administered at such time that the pharmacological effect of the drug remained present in the horse.

(c) The drug was administered by a person or persons who had control, care, or custody of the horse.

(3) Pending the outcome of a stewards' hearing, the trainer shall remain in good standing, except that a horse identified with the laboratory report shall not be permitted to compete during the investigation and stewards' hearing. A horse is not immune from resulting disciplinary action.

(4) A trainer shall create and maintain full and accurate electronic or paper records of all treatments given to or performed on a horse in his or her care. The records must include all of the following:

(a) The name of the horse.

(b) The veterinary procedures performed, including when performed and by whom.

(c) All substances and medications administered, including all of the following:

(i) The name of the substance or medication.

(ii) Date and time of administration.

(iii) Dosage administered.

(iv) Route of administration.

(5) The records must be maintained 30 days before a live race meeting through the end of that race meeting. Records must be preserved for a minimum of 6 months and be available for inspection by the stewards or official veterinarian on demand.

(6) A trainer must promptly notify the official veterinarian or steward of any reportable disease and any unusual incidence of a communicable illness in any horse in his or her charge.

(7) If a horse participating in a live race meeting is seriously injured or dies, the trainer must promptly report the incident to the stewards or the official veterinarian. As used in this subrule, "participating in a live race meeting" includes 30 days before the live race meeting starts and continues for 30 days after the live race meeting ends.

R 431.1301 Drugs and foreign substances.

Rule 1301. (1) It is the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interest of the public and the racing participants through the prohibition or control of all drugs and foreign substances.

(2) With the exception of normal feed, electrolytes, vitamins, and water by mouth, no substance may be administered to any horse on race-day before the race in which it is entered, unless such treatment is authorized by the executive director. This includes any substance administered by injection, directly into the mouth, by inhalation, topically, or by any other method of administration.

(3) A drug or foreign substance, as defined by the act, shall not be administered to a horse that is intended to be entered, is entered, or be present in a horse that participates, in a race with wagering by pari-mutuel methods or any nonbetting race or workout.

(4) A drug or foreign substance, as defined by the act, may be administered to a horse that is intended to be entered, is entered, or be present in a horse that participates, in a race with wagering by pari-mutuel methods or any nonbetting race or workout that is conducted at a race meeting in the state only when authorized by the rules or written order of the executive director for use in the care or treatment of the horse.

(5) Leg paints and liniments may be administered externally to a horse by topical application if they can be applied topically without penetrating the skin.

(6) A banned drug, an Association of Racing Commissioners International, Inc. (ARCI) class 1 drug, or a non-FDA approved drug shall not be present or carried in a horse that is qualified or has a current timed work in the state.

(7) A finding by the executive director's designated laboratory that a drug or foreign substance, as defined by the act, is present in a urine, blood, or any other type of sample that is obtained by authorized representatives of the executive director from a horse that is intended to be entered, is entered, or participates in a race with wagering by pari-mutuel methods or any nonbetting race or workout that is conducted at a race meeting or training center is prima facie evidence that such drug or foreign substance was present and carried in the body of the horse after the horse was entered in the race and when the sample was obtained from the horse. Such laboratory finding also constitutes prima facie evidence that the trainer and his or her employees or agents who are responsible for the care or custody of the horse have been negligent in handling, safeguarding, and caring for the horse before, during, and after the race before the test sample was obtained.

(8) A finding by the executive director's designated laboratory that a banned drug, an ARCI class 1 drug, or a non-FDA approved drug is present in a urine, blood, or any other type of sample that is obtained by authorized representatives of the executive director from a horse that is qualified or has a current timed work in the state is prima facie evidence that the banned drug, the ARCI class 1 drug, or the non-FDA approved drug was present and carried in the body of the horse when the sample was obtained from the horse. Such laboratory finding shall also constitute prima facie evidence that the trainer and his or her employees or agents who are responsible for the care or custody of the horse have been negligent in handling, safeguarding, and caring for the horse before the test sample was obtained.

(9) When imposing penalties for a violation of the provisions of this rule, the executive director, deputy directors, or the stewards shall consider all relevant factors, including, but not limited to, all of the following:

- (a) The nature of the unauthorized drug or foreign substance or drug paraphernalia that is involved and its effect or potential effect on a horse's racing performance or the outcome of the race.
- (b) The purpose or reason for the violator's possession or use of the unauthorized drug, foreign substance, or drug paraphernalia.
- (c) The availability of the drug, that is, can it be purchased over the counter, only with a prescription, or only with a license for controlled substances, or otherwise legally purchased and possessed in this country.
- (d) The experience of the violator.
- (e) Whether the violator has a past record of drug-related violations in this or any other jurisdiction.
- (f) What action, if any, was taken by the violator of the rules to avoid such violation.
- (g) The past performance lines of the horse in question in relation to its performance and reasonably expected performance in the questioned race.
- (10) The stewards are not required to articulate any of the factors listed in subrule (9) of this rule in their ruling, nor shall ignorance of the rules be considered a mitigating factor.

R 431.1302 Possession and use of drugs and foreign substances.

Rule 1302. (1) A licensed veterinarian shall maintain veterinary records, in a manner approved by the executive director which accurately record all services rendered and medication prescribed and which include the name of the horse treated, date of the treatment, and name of the trainer. Such records shall be made available to the executive director or his or her authorized representative on demand.

(2) A licensed veterinarian shall report to the official veterinarian or to the stewards internal medication given by the licensed veterinarian, or given at his or her direction, to a horse known by him or her to be entered in a race. The trainer shall also make such report to the official veterinarian or to the stewards. If a drug is to be administered internally before scratch time to a horse which is entered to race, such fact shall be reported by the trainer or the licensed veterinarian to the stewards or an authorized representative of the executive director before scratch time and before treatment. If administration of a drug is to be made after scratch time, it shall be reported to the stewards or an authorized representative of the executive director immediately and before treatment unless in the opinion of the licensed veterinarian, humane concerns indicate immediate treatment is required.

(3) A licensed veterinarian shall report to the official veterinarian or to the stewards any racehorse in training that he or she euthanizes 30 days or less before the race meeting starts or that has raced at a race meeting within the previous 30 days.

(4) Neither a licensee nor any other person other than the official veterinarian shall have, in his or her possession, on the grounds, any banned drug, ARCI class 1 drug, or non-FDA approved drug.

(5) A person, other than a licensed veterinarian, official veterinarian, or a person with written permission from a steward, shall not have, in his or her possession, in his or her personal effects or vehicle, or in or upon premises he or she occupies or controls on the grounds, any drug or foreign substance, as defined by the act, for hypodermic administration or any hypodermic needle or syringe or other equipment for administration of a drug or foreign substance.

(6) Notwithstanding the provision of subrule (5) of this rule, a person may have, in his or her possession, on the grounds of a race meeting, any drug or foreign substance, as defined by the act, for administration to his or her own person, if such possession is otherwise permitted under state or federal law. If state or federal law prohibits the dispensing of the drug or foreign substance without a prescription, then the person who is in possession of the drug or foreign substance shall also have, in his or her possession, documentary evidence that a valid prescription for the drug or foreign substance was issued to him or her. If the drug or foreign substance is classified or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic, then the person shall not possess or use the drug or

foreign substance on his or her own person on the grounds of a race meeting unless he or she first obtains specific written permission from a steward for such possession and use on the grounds.

(7) Notwithstanding the provisions of subrule (5) of this rule, a person may possess, on the grounds, hypodermic needles and syringes and suppositories and equipment for rectal infusion for the purpose of administering a prescribed drug or foreign substance to himself or herself if he or she has first notified a steward of his or her possession of the hypodermic needles, syringes, suppositories, or rectal infusion equipment and the drug or foreign substance to be administered and has received specific written permission from a steward to possess and use the hypodermic needles, syringes, suppositories, or rectal infusion equipment and the drug or foreign substance on himself or herself while on grounds.

(8) A licensed veterinarian may possess, on the grounds of a race meeting, any equipment and any drugs or foreign substances, as defined by the act, which are recognized and accepted in veterinary medicine for use in the veterinary care and treatment of horses and which are not otherwise prohibited by the executive director or under state or federal law. A licensed veterinarian shall not sell, give, or provide a hypodermic needle or syringe or any substance for hypodermic administration to any licensee on the grounds.

(9) A licensee, other than a veterinarian, may have, in his or her possession within the confines of an off-track stable, shed, building, or grounds where horses are kept which are eligible to race in the state, therapeutic medications and equipment for the administration of a drug or foreign substance under the following conditions:

(a) None of the medications may be banned drugs, ARCI class 1 drugs, or non-FDA approved drugs or be in violation of Michigan and federal compounding regulations.

(b) Any drug or medication which, by federal or state law, requires a prescription must be validly prescribed by a veterinarian, and in compliance with Michigan statutes. All such allowable medications must have a prescription label that is securely attached and clearly ascribed to show all of the following:

(i) The name of the product and active ingredients.

(ii) The name, address and telephone number of the veterinarian prescribing or dispensing the product.

(iii) The name of each horse for whom the product is intended/prescribed.

(iv) The date the drug was dispensed.

(v) The dose, dosage, duration of treatment, and expiration date of the prescribed/dispensed product.

(vi) Withholding/withdrawal times.

(vii) The name of the trainer to whom the product was dispensed.

(10) Any non-injectable drug or medication that is used or kept on the grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the information in subrule (9)(b) of this rule.

R 431.1303 Veterinarian's list

Rule 1303. (1) The official veterinarian shall maintain the veterinarian's list of all horses that are determined to be unfit to compete in a race due to illness, positive test or overage, physical distress, unsoundness, infirmity, or any other medical condition. Horses so listed are ineligible to race in any jurisdiction until released by an official veterinarian or a racing regulatory veterinarian.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the veterinarian's list is resolved and the horse's status is returned to that of racing soundness.

(3) The official veterinarian may require a horse to successfully qualify or perform a timed workout at a distance and time of his or her choosing as a condition for release from the veterinarian's list.

(4) Horses qualifying or working to be released from the veterinarian's list must comply with racing medication standards and are subject to post-work biologic sample collection for laboratory confirmation of compliance.

R 431.1304 Denervating and shock wave therapy.

Rule 1304. (1) A horse shall not be intended to enter, entered, or race in a race with wagering by pari-mutuel methods or any nonbetting race or workout that is conducted at a race meeting in this state if the horse has been denerved, neurectomized, desensitized, or anesthetized, at or above the ankle, by surgery, cryosurgery, chemical block, or any other means. A horse that has been subjected to any of the procedures stated in this subrule is not eligible to race until the official veterinarian has determined that sensation has returned. A licensee who performs or orders one of the procedures stated in this subrule shall be subject to disciplinary action.

(2) A horse on which any neurectomy has been performed below the ankle must be permitted to race if such fact is reported to the official veterinarian and designated on its registration certificate, electronic eligibility, or racing permit as applicable by breed.

(3) A list of all denerved horses shall be posted in the race office. A person shall not report a horse as having a neurectomy when in fact a horse has not.

(4) The use of extracorporeal shock wave therapy or radial pulse wave therapy is not permitted unless all of the following conditions are met:

(a) Any extracorporeal shock wave therapy or radial pulse wave therapy machine, whether in operating condition or not, must be registered with and approved by the executive director, or his or her authorized representative before such machine is brought to or possessed on any grounds or stable within the jurisdiction of the executive director.

(b) The use of extracorporeal shock wave therapy or radial pulse wave therapy within the jurisdiction must meet all of the following requirements:

(i) Be limited to licensed veterinarians.

(ii) Only be performed with machines that are both of the following:

(A) Registered and approved for use by the executive director.

(B) Used at a previously-disclosed location that is approved by the executive director.

(iii) Be reported within 24-hours before treatment on the prescribed form to the official veterinarian.

(c) Any treated horse shall not be permitted to race or perform a time workout for a minimum of 10 days following treatment.

(d) Any horse treated with extracorporeal shock wave therapy or radial pulse wave therapy shall be added to the veterinarian's list. This list shall be kept in the race office, be accessible to the jockeys and their agents during normal business hours, and be made available to other regulatory jurisdictions.

(e) A horse that receives any such treatment without full compliance with this rule and similar rules in any other jurisdiction in which the horse was treated shall be placed on the veterinarian's list.

(f) Any person participating in the use of extracorporeal shock wave therapy or the possession of the extracorporeal shock wave therapy machines, or both, in violation of this rule shall be subject to disciplinary action.

R 431.1325 Bleeders.

Rule 1325. (1) A horse that is examined and determined to be a bleeder shall be placed on the veterinarian's list for not less than 14 days and shall not be permitted to race until the horse is examined by an official veterinarian. The veterinarian's list shall be kept and maintained by the official veterinarians.

(2) A horse that is observed and determined to have bled from within the respiratory tract for a second time in a 12-month time period shall again be placed on the stewards' list and is not eligible to participate in racing for a minimum of 30 days.

(3) A horse that is observed and determined to have bled from within the respiratory tract for a third time in a 12-month time period shall again be placed on the stewards' list and is not eligible to participate in racing for a minimum of 180 days.

(4) A horse that is observed and determined to have bled from within the respiratory tract for a fourth time in a 12-month time period shall again be placed on the stewards' list and is not eligible to participate in racing for a minimum of 365 days.

(5) After the expiration of the minimum period of ineligibility set forth in subrules (2), (3), and (4) of this rule, the subject horse shall not start again until examined by the official veterinarian and released from the veterinarian's list.

R 431.1330 Nullification of records.

Rule 1330. If a horse establishes a record in a race and later laboratory analysis of the sample taken indicates the presence of a drug or foreign substance which could affect the racing conditions or performance of a horse in a race, the record is null and void.

R 431.1335 Destruction of injured horse; euthanasia permitted.

Rule 1335. Upon a determination of the official veterinarian that a horse injured in a workout or a race is injured to the extent that the horse must be destroyed, the official veterinarian may perform humane euthanasia after receiving written permission from the trainer or his or her representative on a form prescribed by the executive director.

R 431.1340 Postmortem of horses.

Rule 1340. (1) A horse that dies on the grounds or on a premise related to a licensee's participation in a live race meeting shall not be removed before notification of the official veterinarian and before permission is obtained. At the discretion of the official veterinarian, a postmortem may be required and the cost of the postmortem shall be paid by the owner, including the cost of transportation and examination. As used in this section, "a licensee's participation in a live race meeting" includes 30 days before the live race meeting starts and continues for 30 days after the live race meeting ends.

(2) The postmortem examination may include, but is not limited to, the submission of blood, urine, other bodily fluid specimens, or other tissue specimens for analysis. Upon completion of the postmortem examination, the carcass will be returned to the owner or disposed of at the owner's option.

(3) The presence of a prohibited drug or foreign substance in a specimen collected during the postmortem examination may subject the licensee to disciplinary action.

R 431.1999 Rescinded.

PART 2. MUTUELS

R 431.2001 Definitions.

Rule 2001. As used in this part:

(a) "Betting interest" means a single horse, or more than 1 horse joined as a mutuel entry or joined in the mutuel field, on which a single pari-mutuel wager may be placed.

(b) “Breakage” means the sum totaled from the amount wagered after takeout, payout, and refunds are subtracted. This sum may yield a positive or negative figure.

(c) “Mutuel field” means a single betting interest which involves more than 1 horse and which is formed, when the number of horses starting in a race exceeds the number capacity of the totalisator, by grouping the highest numbered horse within the numbering capacity of the totalisator and all horses of a higher number.

R 431.2005 Rescinded.

R 431.2010 Pari-mutuel ticket sales payoffs.

Rule 2010. (1) Pari-mutuel tickets shall be sold only at either regular ticket windows which are properly designated by signs or through authorized systems. Pari-mutuel tickets shall not be exchanged.

(2) Wagers shall be paid when a race is declared official by the stewards. A race is official when an official sign is purposely displayed or an official announcement is made. Any subsequent ruling of the executive director or stewards with regard to the award of purse money shall have no bearing on the mutuel payoff.

(3) Payment on winning pari-mutuel tickets shall be made only upon presentation and surrender of such tickets.

(4) All winning pari-mutuel tickets may be presented for payment to the association concerned within 60 days after the last day of the race meeting pursuant to section 2 of 1951 PA 90, MCL 431.252.

(5) Tickets altered or mutilated in any way are void and worthless. Torn tickets, if properly identifiable, must be honored by the association. The responsibility for identifying tickets rests with the association.

(6) If there is any error in calculation where the public is underpaid, the amount of the underpayment shall be added to the same pool on the next race. If such an error results in the public being overpaid, the amount of the overpayment is chargeable against the funds of the association.

(7) Payments must be made only on the first 3 horses passing the finish line according to the official order of finish, except in the case of a dead heat, in which case payments must be made on all win, place and show finishers.

(8) If a horse is excused from racing for any reason after the betting thereon has begun, or if a horse becomes locked in the starting gate, the money bet on that horse shall be refunded, except that when the horse is part of an entry or a mutuel field, there shall be no refund if the entry or the mutuel field, as the case may be, has at least 1 actual starter, or if the particular wager assigns the post time favorite in place of a scratched horse.

(9) The association shall require positive identification of a winning ticket holder before payment when, in the stewards' discretion, circumstances warrant the action.

R 431.2015 Emergencies; errors.

Rule 2015. (1) If any emergency arises in connection with the operation of the mutuel department and the emergency is not covered by these rules and an immediate decision is necessary, the mutuel manager shall make the decision, and a prompt report of the facts shall be made to the stewards and the executive director.

(2) If an error is made in posting the odds or payoff figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the payoff, irrespective of the error that may have appeared on the public board. If, because of mechanical failure, it is impossible to promptly correct the posted payoff, a statement shall be made over the public address system stating the facts and corrections.

R 431.2020 Program requirements.

Rule 2020. (1) R 431.2001 to R 431.2015 shall be printed in not less than 6-point type in the daily program sold by each association. R 431.2001 to R 431.2015 shall be posted for the benefit of the public in not less than 2 places in the betting area of each racing association and in not less than 4 places in those racing associations providing a clubhouse area.

(2) Mutuel department rules printed in the program or posted for the public shall be preceded by the following statement: "All payoffs by the pari-mutuel departments of associations licensed by the executive director are subject to the regulations of the United States Government, the Internal Revenue Service, and applicable statutes of the State of Michigan."

R 431.2025 Mutuel windows.

Rule 2025. Mutuel windows shall open not less than 30 minutes before the first race.

R 431.2030 Machine locking.

Rule 2030. (1) The pari-mutuel machines shall be locked by a steward immediately upon the start of the race through an electrical control in the stewards' stand or before the start of a race through a method subject to the approval of the executive director.

(2) If the start of the race is delayed beyond the official post time, as shown on the results board, without adequate reason or explanation, the stewards may, at their discretion, lock the pari-mutuel machines.

(3) An association is not responsible for ticket sales which are not completed before the machines are locked.

R 431.2035 Totalisators.

Rule 2035. (1) Pursuant to section 17(2) of the act, MCL 431.317, each association shall use a totalisator or other mechanical device which is equal in accuracy and clearness to a totalisator and which is approved by the executive director. The odds board of the totalisator or other mechanical device shall be placed in full view of the patrons.

(2) No other method of betting, pool-making, wagering, or gaming shall be used or permitted.

R 431.2036 Breakage.

Rule 2036. All breakage retained by the association must be paid to the city or township in which the racetrack is located on a monthly basis. Breakage calculations that result in a negative figure may be carried over.

R 431.2040 Rescinded.

R 431.2045 Rescinded.

R 431.2050 Betting interests; straight wagering.

Rule 2050. (1) In all races with 5 or more separate interests which start, associations shall provide win, place, and show betting. In all races with 4 separate interests which start, associations shall provide win and place betting. In races of 3 or 2 separate interests which start, associations shall provide only win betting. At the request of the association, the stewards may cancel place or show wagering, or both, at their discretion.

(2) If, through accident or otherwise, a horse or horses are withdrawn and the starting field is reduced to a point where it is necessary to cancel the show or place pool, the pool must be refunded. However, holders of combined tickets shall have valid wagers for that portion of the ticket not cancelled and a refund on the portion cancelled.

R 431.2055 Betting interests; multiple wagering.

Rule 2055. (1) There shall be no trifecta wagering on any race with less than 5 separate betting interests.

(2) Perfecta wagering shall not be scheduled on a race unless not less than 5 separate betting interests are programmed. In the event of a late scratch, perfecta wagering on a race in which 4 separate betting interests remain is permitted if perfecta wagering on that particular race had commenced before the late scratch.

(3) There shall be no perfecta wagering on any race with less than 4 separate betting interests.

(4) Superfecta wagering shall not be scheduled on a race unless not less than 7 separate betting interests are programmed. In the event of a scratch, superfecta wagering on a race in which 6 separate betting interests remain is permissible.

(5) There shall be no superfecta wagering on any race with less than 6 separate betting interests.

R 431.2060 Race cancellations.

Rule 2060. If a race is cancelled by the stewards after wagering begins on that race, or if a race is declared no contest by the stewards in the public interest, all monies wagered shall be refunded upon presentation and surrender of a valid ticket.

R 431.2061 Rescinded.

R 431.2070 Wagering format.

Rule 2070. All forms or variations of pari-mutuel wagering shall not be offered at a licensed track in this state without written permission of the executive director.

R 431.2075 Daily double.

Rule 2075. (1) The daily double is not a parlay and has no connection with or relation to straight wagering. All tickets on the daily double must be calculated in an entirely separate pool.

(2) To win a daily double, it is necessary for the purchaser of a daily double ticket to select the winners of each of the 2 races specified for the daily double. If either of his or her selections fails to win, his or her ticket is voided, except as otherwise provided.

(3) With respect to a daily double pool, the amount wagered on the winning combination, such being the horse or betting interest which finishes first in the first race coupled with the horse finishing first in the second race of the daily double, is deducted from the net pool to determine the profit. The profit is divided by the amount wagered on the winning combination, such quotient being the profit per dollar wagered on the winning daily double. Payoff includes return of the amount wagered and the profit thereon. In addition, the following provisions apply to daily double pools:

(a) If there is a dead heat for first involving 2 different betting interests in 1 of the 2 daily double races, the daily double pool is distributed as if it were a place pool, with 1/2 of the profit allocated to wagers combining the single winner of 1 daily double race and 1 of the betting interests involved in the dead heat in the other daily double race and with the other 1/2 of the profit allocated to wagers combining the single winner of 1 daily double race and the other betting interest involved in the dead heat in the other daily double race.

(b) If there are dead heats for first involving different betting interests in each of the daily double races which result in winning combinations, the profit shall be allocated equally to the winning combinations after first deducting from the net pool the amount wagered on all winning combinations for proportionate allocation for each such winning daily double wager.

(c) If no daily double ticket is sold combining the horse or betting interest which finishes first in 1 of the daily double races, the daily double pool is distributed as if a win pool, with the profit allocated to wagering combinations which include the horse or betting interest which finished first in 1 of the daily double races.

(d) If no daily double ticket is sold combining the horses or betting interests which finished first in both the first and second race of the daily double, then the winning combination for distribution of the daily double profit shall be that combining the horses or betting interests which finished second in each of the daily double races.

(e) If, after daily double wagering has commenced, a horse not coupled with another as a betting interest in the first race of the daily double is excused by the stewards or is prevented from racing because of failure of the starting gate to open properly, then daily double wagers combining such horse shall be deducted from the daily double pool and shall be refunded upon presentation and surrender of daily double tickets thereon.

(f) If, after the first race of the daily double has been run, a horse not coupled with another as a betting interest in the second race of the daily double is excused by the stewards or prevented from racing because of failure of the starting gate door to open properly, then daily double wagers combining the winner of the first daily double race with such horses prevented from racing in the second daily double race shall be allocated consolation payoffs.

(g) Consolation daily double payoffs shall be determined by dividing the net daily double pool by the amount wagered combining the winner of the first daily double race with every horse or betting interest scheduled to start in the second daily double race, such quotient being the consolation payoff per dollar wagered combining the winner of the first daily double race with such horse prevented from racing in the second daily double race. Payoff includes return of the amount wagered and the profit thereon.

(h) If for any reason the first race of the daily double is cancelled and declared no contest a full and complete refund shall be made of the daily double pool.

(i) If for any reason the second race of the daily double is cancelled and declared no contest the net daily double pool shall be paid to the holders of daily double tickets which include the winner of the first race.

R 431.2080 Rescinded.

R 431.2090 Trifecta.

Rule 2090. (1) The trifecta is a contract by the purchaser of a ticket to select the 3 horses that will finish first, second, and third in the race. The trifecta must be calculated as an entirely separate pool.

(2) With respect to a trifecta pool, the amount wagered on the winning combination, such being the horse finishing first, the horse finishing second, and the horse finishing third, in exact order, is deducted from the net pool to determine the profit. The profit is divided by the amount wagered on the winning combination, such quotient being the profit per dollar wagered on the winning trifecta combination. Payoff includes the amount wagered and profit thereon. In addition, the following provisions apply to trifecta pools:

(a) If no ticket is sold designating, in order, the first 3 horses, the net pool shall be distributed equally among holders of tickets designating the first 2 horses in order.

(b) If no ticket is sold designating, in order, the first 2 horses, the net pool shall be distributed equally among holders of tickets designating the first horse to win.

(c) If no ticket is sold designating the first horse to win, the net pool shall be distributed equally among holders of tickets designating the second and third horses in order.

(d) If less than 3 horses finish, the payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

(e) If there is a dead heat, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position involved in the dead heat, shall be winning tickets. The payoff must be calculated as a place pool.

(f) If no ticket is sold that would require distribution of a trifecta pool, the association shall make a complete and full refund of the trifecta pool.

(3) If a horse is scratched or declared a non-starter, all trifecta tickets previously issued designating such horse shall be refunded and deducted from the gross pool.

R 431.2094 Pick Three.

Rule 2094. (1) The pick three requires selection of the first-place finisher in each of 3 consecutive contests.

(2) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the 3 contests.

(b) If there are no wagers described in subdivision (a) of this subrule, as a single price pool to those who selected the first-place finisher in any 2 of the 3 contests.

(c) If there are no wagers described in subdivision (a) or (b) of this subrule, as a single price pool to those who selected the first-place finisher in any 1 of the 3 contests.

(d) If there are no wagers described in subdivision (a), (b), or (c) of this subrule, the entire pool shall be refunded on pick 3 wagers for those contests.

(3) If there is a dead heat for first in any of the 3 contests, the pick three pool must be distributed as follows:

(a) If contestants represent the same betting interest, the pick three pool shall be distributed as if no dead heat occurred.

(b) If contestants represent 2 or more betting interests, the pick three pool shall be distributed as follows:

(i) As a profit split to those whose selections finished first in each of the 3 contests.

(ii) If there are no wagers described in paragraph (i) of this subdivision, as a single price pool to those who selected the first place finisher in any 2 of the 3 contests.

(iii) If there are no wagers described in paragraph (i) or (ii) of this subdivision, as a single price pool to those who selected the first place finisher in any 1 of the 3 contests.

(iv) If there are no wagers described in paragraph (i), (ii), or (iii) of this subdivision, the entire pick three pool shall be refunded.

(4) If a wagering interest is scratched for a pick three contest, or is designated to run for purse money only, the association shall substitute the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, for the scratched betting interest for all purposes, including pool calculations. If the win pool total for 2 or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) If all 3 pick three contests are cancelled or declared no contest, the entire pool shall be refunded on pick three wagers for those contests.

(6) If 1 or 2 of the pick three contests are cancelled or declared no contest, the pick three pool remains valid and shall be distributed pursuant to subrule (2) of this rule.

R 431.2095 Rescinded.

R 431.2096 Pick Four.

Rule 2096. (1) The pick four requires selection of the first place finisher in each of 4 consecutive contests.

(2) The net pick four pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the 4 contests.

(b) If there are no wagers described in subdivision (a) of this subrule, as a single price pool to those who selected the first-place finisher in any 3 of the 4 contests.

(c) If there are no wagers described in subdivision (a) or (b) of this subrule, as a single price pool to those who selected the first-place finisher in any 2 of the 4 contests.

(d) If there are no wagers described in subdivision (a), (b), or (c) of this subrule, as a single price pool to those who selected the first-place finisher in any 1 of the 4 contests.

(e) If there are no wagers described in subdivision (a), (b), (c), or (d) of this subrule, the entire pool shall be refunded on pick four wagers for those contests.

(3) If there is a dead heat for first in any of the pick four contests, the pick four pool must be distributed as follows:

(a) If contestants represent the same betting interest, the pick four pool shall be distributed as if no dead heat occurred.

(b) If contestants representing 2 or more betting interests, the pick four pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) If a wagering interest is scratched for a pick four contest, or is designated to run for purse money only, the association shall substitute the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, for the scratched betting interest for all purposes, including pool calculations. If the win pool total for 2 or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The pick four pool shall be cancelled and all pick four wagers for the individual performance shall be refunded, if at least 3 contests included as part of a pick four are cancelled or declared no contest.

(6) If at least 1 contest included as part of a pick four is cancelled or declared no contest, but not more than 2 contests, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick four contests for that performance.

R 431.2100 Rescinded.

R 431.2105 Rescinded.

R 431.2110 Rescinded.

R 431.2115 Rescinded.

R 431.2120 Superfecta.

Rule 2120. (1) The superfecta is a contract by the purchaser of a ticket to select, in order, the first, second, third, and fourth place horses in the designated superfecta race, as designated by the association with the approval of the executive director. Payment of winning tickets shall be made only to the holders of the tickets who have selected the same order of finish as officially posted, except if there is a scratch or as otherwise provided in these rules.

(2) Superfecta wagering has no connection with, or relation to, the win, place, and show betting pools and shall be calculated as an entirely separate pool. The ticket shall be labeled a superfecta ticket.

(3) If a horse is scratched or excused from racing, additional tickets shall not be sold designating such horse, and all tickets previously sold designating such horse shall be refunded and the money deducted from the gross pool.

(4) If no ticket is sold designating, in order, the first 4 horses, or if only 3 horses finish, the net pool shall be distributed equally among holders of tickets designating, in order, the first 3 horses. If no ticket is sold designating, in order, the first 3 horses, or if only 2 horses finish, the net pool shall be distributed equally among holders of tickets designating, in order, the first 2 horses. If no tickets are sold designating, in order, the first 2 horses, the net pool shall be distributed equally among holders of tickets designating the winner.

(5) If no ticket is sold designating the winner to win, the superfecta shall be declared off and the gross pool refunded.

(6) If there is a dead heat or dead heats, all tickets designating the correct order of finish, crediting each horse in a dead heat as finishing in either position involved in the dead heat, shall be winning tickets, and the aggregate number of winning tickets shall be divided into the net pool for the purpose of determining the payoff.

PART 3. THOROUGHBRED RACING

R 431.3001 Definitions; A to E.

Rule 3001. As used in this part:

(a) “Added money” means cash, exclusive of a trophy or other award, added by the association to stakes fees paid by subscribers to form the total purse for a stakes race.

(b) “Breeder” means the owner of the dam of a horse when such horse was foaled. A horse is bred at the place of its foaling. A registered Michigan-bred horse is defined by R 285.810.1.

(c) “Closing” means the time designated when all entries in a race must be and remain in the race, unless excused by the stewards.

(d) “Declaration” means the withdrawal of a horse that was entered in a race before time of closing.

(e) “Equipment” means accouterments other than the ordinary saddle, girth, pad, saddle cloth, and bridle carried by a horse and includes, but is not limited to, all of the following:

(i) Riding crop.

(ii) Blinkers.

(iii) Tongue strap.

(iv) Muzzle.

(v) Hood.

(vi) Noseband.

(vii) Bit.

(viii) Shadow roll.

(ix) Martingale.

(x) Breastplate.

(xi) Bandages.

(xii) Boots.

(xiii) Racing plates or shoes.

(f) “Exhibition race” means a race between horses of diverse ownership for which a purse is offered but on which pari-mutuel wagering is not permitted.

R 431.3005 Definitions; H to M.

Rule 3005. As used in this part:

(a) “Handicap” means a race in which weights are assigned to the horses by the handicapper for the purpose of equalizing their chances of winning.

(b) “Horse” means an equine registered as such with the appropriate breed registry and designates any thoroughbred, quarter horse, Appaloosa, Arabian, and American paint horse irrespective of age or sex designation.

(c) “Ineligible” means that a horse or a person is not qualified under these rules or the conditions of a race to participate in a specified racing activity.

(d) “Maiden” means a horse that has never won a race on the flat at a recognized meeting in any country. A maiden that was disqualified after finishing first remains a maiden. Race conditions referring to maidens shall be interpreted as meaning maidens at the time of starting.

R 431.3010 Definitions; O to S.

Rule 3010. As used in this part:

(a) “Optional claiming race” means a race that is restricted to horses which are entered to be claimed for a stated price or less and horses which are entered not to be claimed by the option designated in the conditions of the race. Where horses are entered to be claimed, the race shall be considered a claiming race, and where horses are entered under the option, the race shall be considered an allowance or purse race.

(b) “Produce race” or “futures” means a race that is to be contested by the produce of horses which are named or identified before the closing time of nominations.

(c) “Purse race” means a race for money or another prize to which the owners of horses engaged do not contribute.

(d) “Starter race” means an overnight race under allowance or handicap conditions which is restricted to horses that have previously started for the designated claiming price or less, as stated in the conditions of the race.

R 431.3015 Rescinded.

R 431.3020 Racing officials.

Rule 3020. (1) The following positions at a race meeting are designated as officials:

- (a) Stewards.
- (b) Placing judges.
- (c) Clerk of scales.
- (d) Paddock judge.
- (e) Official starter.
- (f) Racing secretary.
- (g) Assistant racing secretary.
- (h) Timer.
- (i) Official veterinarian.
- (j) Horse identifier.
- (k) Jockey room custodian.

(2) In case of emergency, the association may provide a substitute steward, with the approval of the executive director, to act as the steward for the remainder of any program.

(3) A person, other than the stewards or the placing judges, shall not be allowed in the stewards' and placing judges' stands during the running of a race, except with permission of the stewards.

(4) A person, other than a steward, shall not be in the stewards' stand when a decision is being made on a foul claim or stewards' inquiry.

(5) A racing official shall not be the owner or part owner of a horse racing at a track where the official is serving.

(6) Racing officials serving in the capacity of steward, placing or patrol judges, clerk of scales, official starter, or horse identifier may be required to take and satisfactorily pass an optical examination at the request of the executive director. The examination shall evidence a minimum corrected vision of 20/30 and an ability to distinguish colors correctly.

(7) All racing officials, with the exception of those representing the executive director, shall be nominated by the association, subject to the approval of the executive director. The executive director reserves the right to demand a change of racing officials for what he or she considers to be good and sufficient reason. The successor of a racing official so replaced shall also be subject to the approval of the executive director.

R 431.3025 Stewards; duties and responsibilities; complaints against officials.

Rule 3025. (1) In addition to the general powers specified in these rules, the stewards shall have all of the following specific duties and responsibilities:

(a) Taking cognizance of all misconduct or rule infractions, whether reported or not, and investigating all instances of possible rule infractions. They shall take action as they consider necessary to prevent a rule infraction.

(b) At least 1 steward shall be on the grounds from scratch time, or, if not a racing day, when entries are first taken, until entries are closed. At least 1 steward shall be present for the regular showing of racing films or videotapes. All 3 stewards shall be on the grounds for a continuous period beginning 2 hours before post time for the first race and ending at the conclusion of the last race. All 3 stewards shall be present when contemplating disciplinary action.

(c) Inspecting all applications for licenses to participate in racing and administering, or causing to be administered by qualified persons, examinations of all first-time applicants for a trainer's license and jockey agent's license. The stewards may make recommendations to the executive director as to the qualifications of all applicants for licenses to participate in racing.

(d) Reviewing registration certificates, contracts, papers, and other documents pertaining to any of the following:

(i) The sale or ownership of a horse.

(ii) Payment of purse money.

(iii) Jockey and apprentice jockey contracts.

(iv) Appointment of agents.

(v) Adoption of assumed names by stable owners.

(vi) Determining the eligibility and appropriateness for participation in racing.

(e) Requiring proof of eligibility of a horse or person to participate in a race if it is in question. In the absence of sufficient proof to establish eligibility, the stewards may rule the horse or person ineligible.

(f) Supervising the taking of entries, receiving all declarations and scratches, and determining all questions arising from and pertaining to such entries, declarations, and scratches. The stewards may refuse the entry of any horse by a person, may refuse to permit a declaration or scratch, or may limit entries.

(g) Assuring that the "inquiry" sign is posted on the infield odds board immediately after the horses have crossed the finish line in a race if any steward or patrol judge doubts the fairness of the running of the race. The stewards shall cause the "objection" sign to be posted on the infield odds board when an objection is lodged and shall cause the "official" sign to be posted on the infield odds board after determining the official order of finish for purposes of the pari-mutuel payoff.

(h) Maintaining a stewards' report in the manner and form prescribed by the executive director and reporting all actions of the stewards that arise during a race day.

(i) Making periodic inspections of the barn area, checking track security, and making visits to the jockeys' room to observe and check security at the weighing out. The inspections and observations made shall be noted in the steward's report.

(2) The stewards may review the video recordings of each day's races before commencement of the successive day's races and compile a list of riders who they feel should review films for instructional purposes. If a list is compiled, the stewards shall assure that the list is posted in the jockeys' room.

(3) In the performance of their duties, the stewards shall have unrestricted access to all areas and grounds of the association.

(4) A complaint against a racing official may be made to the stewards or to the executive director. Complaints made directly to the stewards shall be reported to the executive director, in writing, together with any action taken by the stewards.

R 431.3030 Stewards; reversals of form; review of films; disciplinary action.

Rule 3030. (1) The stewards shall take cognizance of marked reversal of form of all horses and shall, at their discretion, conduct inquiries. During inquiries, the stewards may take into consideration the betting action on the horse in question and films of the horse's previous races, and shall consider all other facts they consider relevant toward making a determination as to whether the horse being evaluated was deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first. If after review the stewards make a determination that there is a reasonable probability that the horse in question was deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first, the stewards may take disciplinary action against a person found to have contributed to the restraining of the horse.

(2) If the stewards find that a horse has been deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first, these findings may be forwarded by the executive director to law enforcement authorities.

R 431.3035 Racing secretary; responsibilities and duties.

Rule 3035. (1) The racing secretary is responsible for all of the following:

- (a) The programming of races during the race meeting.
- (b) Compiling and publishing condition books.
- (c) Assigning weights for handicap races.
- (d) Receiving all entries, subscriptions, declarations, and scratches.

(2) Duties for which the racing secretary and his or her staff are responsible include, but are not limited to, all of the following:

(a) Safekeeping of registration certifications and racing permits for horses, recording information required thereon, and returning them to owners, or trainers if authorized by the owners, at the conclusion of the race meeting.

(b) Maintaining a record of all stakes fees received and all arrearages, jockeys' fees, purchase money in claiming races, and any other money received incident to the race meeting, and paying over such monies to persons entitled thereto.

(c) Supervising the horsemen's bookkeeper's handling of the horsemen's account.

(d) Daily posting of entries as soon as possible after the entries have been closed and declarations have been made.

(e) Assigning stall applicants stabling as the racing secretary considers proper, and maintaining a record of the arrival and departure of all horses stabled on the grounds.

(f) Publishing the official daily program and insuring the accuracy of the information contained therein.

(3) The published racing program shall contain all of the following information:

- (a) The sequence of races to be run and the post time for the first race.
- (b) The purse, conditions, and distance for each race and the current track record for such distance.
- (c) The names of owners of each horse, with an indication of which horses, if any, are leased.
- (d) The full name of the trainer and the jockey named for each horse, together with the weight to be carried.
- (e) The saddle cloth number or designation for each horse, and the post position for each horse if there is a variance with the saddle cloth designation.
- (f) Identification of each horse by name, color, sex, age, sire, and dam, which shall correspond to the foal certificate.
- (g) A description of the racing colors to be carried and other information as may be requested by the association or the executive director.
- (h) A stable name with the name of at least 1 owner. If the stable represents more than 1 owner, the joint ownership shall be indicated by the use of the name of 1 owner and the words “et al.”
- (4) A horse shall not appear in any official program in more than 1 race on the same day, except for stakes races or handicaps.
- (5) The racing secretary shall designate the price spread and the distances and shall publish a daily up-to-date list of horses having preference and the price spread and distances of the races to which the preference pertains.
- (6) The racing secretary or handicapper shall append to the weights for every handicap the day and hour from which winners will be liable to a penalty. Alterations shall not be made after publication of the program, except in case of omission, through clerical error or oversight, of the name and weight of a horse duly entered. Where there is an omission, the omission may, with the permission of the stewards, be rectified by the racing secretary or handicapper.

R 431.3040 Paddock judge; duties.

Rule 3040. The paddock judge shall have general supervision over the paddock and be responsible for all of the following:

- (a) Keeping accurate records of all equipment a horse carried in the horse's previous race. Change in the equipment is permitted only with the consent of the stewards.
- (b) Assembling the horses and jockeys in the paddock not less than 15 minutes before the scheduled post time for the race, unless otherwise determined by the stewards.
- (c) Assuring that the saddling of all horses is orderly, open to public view where possible, and free from interference, and assuring that horses are mounted at the same time and leave the paddock for the post in proper sequence.
- (d) Reporting to assigned security guards the presence of any unauthorized persons in the paddock.
- (e) Promptly reporting all rule violations to the stewards.
- (f) Inspecting the bandages of a horse.
- (g) Inspecting the feet of a horse.
- (h) Paddock schooling and the paddock schooling list.
- (i) The presence or absence of trainers in the paddock as required.

R 431.3045 Placing judges; duties.

Rule 3045. If required by the executive director, 3 racing officials shall serve as placing judges and shall be in a stand directly above the finish line during the running of each race. The placing judges shall take special note of racing colors and distinguishing equipment carried by each horse. The placing judges shall determine the order of the horses as they cross the finish line by considering the location of the respective noses of such horses. The placing judges shall cause the numbers of the first 4 horses to cross the finish line to be flashed on the result board. A photo finish camera approved by the executive

director shall be used as an aid by the placing judges in determining the order of the horses as they cross the finish line. Placing judges may request a photo to assist in determining margins of less than a 1/2 however, the camera and any photographic reproduction are merely aids to the placing judges.

R 431.3050 Rescinded.

R 431.3055 Clerk of scales; duties; jockey weights.

Rule 3055. (1) The clerk of scales shall secure, regulate, and control the jockeys' room, the equipment therein, and the personnel permitted access thereto. The clerk of scales shall weigh all jockeys out and weigh in not less than the first 4 finishers. The clerk of scales shall accurately record and publish a scratch, overweight, change of jockey, and any change of weight or racing colors from what is stated in the official program and shall promptly supply all racing officials and the mutuel department with all pertinent changes.

(2) After each race, the clerk of scales shall report to the racing secretary or his or her representative the weights carried by each horse, with the name of each horse's jockey and the overweight, if any. The clerk of scales shall also report the post time and running time in each race and shall report any other information which may from time to time be required.

(3) The clerk of scales shall promptly report an infraction of the rules with respect to weight, weighing, or riding equipment to the stewards.

(4) A jockey's weight shall include all of the following:

- (a) Clothing.
- (b) Boots.
- (c) Saddle and its attachments.
- (d) Saddle cloth.
- (e) Other equipment required by the stewards.

(5) A jockey's weight shall not include any of the following:

- (a) Riding crop.
- (b) Head number.
- (c) Number cloth.
- (d) Bridle.
- (e) Safety helmet and goggles.

(6) The clerk of scales, with the consent of the stewards, may permit clothing allowances for inclement weather.

(7) Seven pounds is the limit of overweight any horse is allowed to carry. If the weight of a rider exceeds the weight the horse is published to carry, the jockey shall declare the amount of overweight to the clerk of scales at the time designated by the stewards, and the clerk of scales shall have the overweight posted and announced immediately. A trainer has the pre-post time option of removing a jockey from a horse if the jockey is under his or her training and is carrying more than 2 pounds overweight. Such removal shall be without penalty to the trainer. The failure of a jockey to comply with this rule shall be reported to the stewards.

(8) The clerk of scales shall maintain a record of the winning races of an apprentice jockey. At the close of the race meeting, or on departure of the jockey, the record sheet shall be attached to the rider's copy of his or her contract or shall be written into his or her certificate and shall be released to the rider. The clerk of scales shall inform the stewards of the expiration date of the apprentice jockey's apprentice allowance.

R 431.3060 Official starter; duties.

Rule 3060. (1) The official starter shall be responsible for the fair and equal start of all horses at the scheduled starting time by utilizing a starting gate and bell or other device activated by his or her signal. So far as is practical, the official starter shall cause all horses to be loaded in order of post position, but the official starter may, with the permission of the stewards, load an unruly horse out of order. By permission of the stewards, a race may be started without a starting gate.

(2) The official starter may employ assistant starters as he or she considers necessary and shall change the gate position of each assistant starter daily, without notice to the assistant starters, until the field for the first race enters the race course.

(3) A horse shall not be permitted to start in a race unless approval is given by the official starter. The official starter shall maintain a schooling list, which shall be posted in the race office, of the names of all horses ineligible to start for want of adequate training leaving the gate. Horses shall be schooled under the supervision of the official starter or his or her assistants.

(4) The official starter shall report to the stewards any disobedience of his or her orders or attempts to take unfair advantage at the starting gate and shall recommend penalties for offenders.

(5) An assistant starter shall not handle a horse until instructed to do so by the official starter. An assistant starter shall not strike a jockey or use abusive language when addressing a jockey.

(6) An official starter or assistant starter shall not accept any gratuity or payment other than his or her regular salary, directly or indirectly, for services in starting a race. An official starter or assistant starter shall not wager on a race.

(7) The official starter shall maintain a written record showing the names of all starters during the day and the names of the assistant starters who handled each horse. Such record shall be made available to the stewards upon request.

(8) The official starter shall have radio or telephone communication with the stewards from the time the horses leave the paddock until the field is dispatched.

(9) The official starter may recommend to the stewards that disciplinary action be taken against any jockey, outrider, pony rider, or other personnel under the official starter's control.

(10) Horses shall be schooled under the supervision of the official starter or his or her assistant. The official starter shall report horses that are sufficiently schooled to start to the racing secretary. Unruly horses shall be placed on the schooling list and shall not start until approved by the official starter. The schooling list shall be respected in all cases.

R 431.3065 Official veterinarians; duties.

Rule 3065. (1) The official veterinarian shall examine horses the stewards request him or her to examine and reexamine. The official veterinarian is responsible for approving for release from the veterinarian's list all horses that have been placed on the list because of lameness, sickness, or injury before they may be entered to race again.

(2) An official veterinarian shall not, during the period of his or her employment, for compensation or otherwise, treat or prescribe for a racing horse, except in case of emergency. In an emergency, a full and complete treatment report shall be made to the stewards. An owner or trainer shall not employ or pay compensation to an official veterinarian, either directly or indirectly, during the period for which he or she is so employed by the executive director.

R 431.3070 Pre-race examination.

Rule 3070. (1) The official veterinarian shall examine each horse listed in the overnight entries to determine its eligibility and fitness to race. The time of the examination is at the discretion of the official veterinarian on the day of the race. The trainer shall have an attendant present and the horse's legs must be free from bandages and topical substances when the official veterinarian comes to his or her stable to make a pre-race examination.

(2) The pre-race examination shall include, but not be limited to, examination of the horse's eyes and legs and observation of the horse while at rest and in motion, either at a walk or while jogging, at the discretion of the examiner.

(3) The official veterinarian shall be in the paddock for inspection of the horses before a race. If, in the opinion of the official veterinarian, a horse is not fit to race, that fact shall be reported to the stewards immediately with a recommendation that the horse be scratched.

(4) The official veterinarian shall be stationed at the starting gate to observe the fitness of horses as the horses warm up for the race. Any horse that breaks through the starting gate or runs off without effective control shall be examined by the official veterinarian. If, in the opinion of the official veterinarian, any horse scheduled to start is not fit to race, that fact shall be reported to the stewards immediately with a recommendation that the horse be scratched.

R 431.3075 Workout clockers; clocking.

Rule 3075. (1) The executive director shall employ a steward as clocker. The clocker shall make a record of all morning workouts or any morning trials on the race course of a race meeting or training center race course. A record of all workouts and trials must be provided to the racing secretary.

(2) Every occupational licensee who exercises a horse shall correctly identify to the clockers the horse he or she is exercising and shall state the distance over which the horse is to be worked and the point at which the workout is intended to begin.

(3) Horses working between races shall also be identified and their times announced. A horse shall not be permitted to work between races without the permission of the stewards and notification to necessary racing officials to ensure safety.

(4) A horse that has not started for 45 days is ineligible to race until it has completed 1 or more timed workouts satisfactory to the stewards before the day of the race in which the horse is entered. If such workouts do not appear in the daily racing form, they shall be published, where possible, in the track program the day of the race in which the horse is entered or shall be posted in 3 places in the racing plant for public inspection.

(5) A horse that has never started shall have not less than 2 published workouts, 1 being from the starting gate. The gate workout must be approved by the official starter.

(6) The stewards may scratch a horse whose recent workouts have not been properly recorded.

R 431.3080 Horses; registration.

Rule 3080. (1) A horse shall not be entered or raced in this state unless duly registered and named in the appropriate breed registry and unless the registration certificate or racing permit issued by the breed registry for such horse is on file with the racing secretary. However, the stewards may, for good cause, waive this requirement if the horse is otherwise correctly identified to the stewards' satisfaction.

(2) A horse shall not be registered for racing in this state unless the endorsement of the foal certificate indicates the current owner.

(3) A horse shall not be entered or raced in this state which is designated by a name other than the name under which such horse is currently registered with the appropriate breed registry. If a horse's name is changed by the breed registry, such horse's former name shall be shown parenthetically in the daily race program the first 3 times the horse races after the name change.

(4) A person shall not at any time cause or permit the correct identity of a horse to be concealed or altered and shall not refuse to reveal, to a racing official, the correct identity of a horse he or she owns or has in his or her care.

(5) A horse shall not race in this state until properly identified by natural markings and shall not race without a legible lip tattoo number or unique microchip applied by agents of the Thoroughbred Racing Protective Bureau or other recognized agencies.

(6) A horse shall not be entered or raced in this state if previously involved in either of the following situations involving misidentification:

(a) A person having control of a horse knowingly entered or raced such horse while designated by a name other than the name under which such horse was registered with the appropriate breed registry.

(b) A person having control of a horse participated in or assisted in the entry or racing of some other horse under the name registered as belonging to the horse in question.

R 431.3085 Rescinded.

R 431.3090 Horses; training hours; removal; age; breeding.

Rule 3090. (1) A horse shall not be schooled in the paddock or taken onto a race course for training or workout, other than during normal training hours posted by the association, without the permission of the stewards.

(2) During a race meeting, a horse shall not be removed from the grounds without notifying the stewards and unless released by the racing secretary. A dead or sick horse shall not be removed from the grounds without the prior approval of the official veterinarian or the stewards.

(3) A maiden 7 years of age or older shall not be entered or start unless it has less than 6 lifetime starts.

(4) The name of a filly or mare that has been covered by a stallion shall be so reported to the racing secretary before being entered in a race. A list of all fillies and mares so reported, showing the names of the stallions to which they have been bred, shall be posted in the race office.

R 431.3095 Horses prohibited from entry or racing.

Rule 3095. A horse shall not be entered or raced in any of the following situations:

(a) The horse is not in sound racing condition.

(b) The horse is posted on a stewards' list or starter's list or is suspended in any racing jurisdiction.

(c) The horse is blind or has seriously impaired vision in both eyes.

(d) The horse is not correctly identified to the satisfaction of the stewards.

(e) The horse is owned wholly or in part by, or is trained by, an ineligible or associated person.

R 431.3101 Horses; equipment; sex alteration.

Rule 3101. (1) Blinkers shall be used in a consistent manner on a horse. Permission to change any equipment used on a horse from its last previous start shall be obtained from the stewards. A horse's tongue may be tied down during a race with a clean bandage or gauze. A horse's bridle shall not weigh more than 2 pounds. War bridles are prohibited. A horse shall not race in ordinary training shoes. Bar shoes may be used for racing. Toe grabs on thoroughbred and Arabian front shoes are permitted up to 2 millimeters in length only.

(2) Any alteration of the sex of a horse shall be promptly reported by the horse's trainer to the racing secretary. The racing secretary shall note the alteration on the horse's registration certificate.

R 431.3105 Entries; procedures.

Rule 3105. (1) A horse shall not start in a race unless the horse has been and continues to be qualified to be entered in the race. Unless otherwise specified in the conditions of a race or disqualified by violation of these rules, a horse eligible at the time of entry shall continue to be qualified, except in an overnight race, in which it shall also be eligible at the time of start.

(2) Entries, subscriptions, declarations, and scratches shall be reported to the racing secretary, who shall maintain a record of the time and receipt of such entries, subscriptions, declarations, and scratches.

(3) Any entry shall be in the name of the horse's owner, as completely disclosed and registered with the racing secretary under these rules, and made by the owner, trainer, or the authorized agent of the owner.

(4) Any entry shall either be in writing, by telephone, or transmitted by other electronic means as approved by the executive director.

(5) An entry shall clearly designate the horse entered. When entered for the first time during a race meeting, every horse shall be designated by name, age, color, sex, sire, dam, and broodmare sire, as reflected by such horse's registration certificate.

(6) An alteration shall not be made on an entry after the closing of entries, but an error may be corrected with permission of the stewards.

(7) A horse shall not be entered at more than 1 race track when the races are to be conducted on the same day.

(8) In naming an entry for a produce race or futurity, the produce is entered by specifying the dam and the sire or sires.

(9) A horse may be entered while on the veterinarian's list if the horse will be eligible at the time of the race.

R 431.3110 Mutuel entries; common ties.

Rule 3110. (1) Not more than 2 horses that have common ties requiring a mutuel entry shall be entered in a race. A preference for 1 of the horses shall be made when making a double entry. Either may be scratched up to 1 hour before post time for the first race. Two horses that have common ties requiring a mutuel entry shall not start in a race to the exclusion of a single betting interest.

(2) Horses that have common ties through ownership or training may be uncoupled in a race as separate betting interests when approved by the stewards.

R 431.3115 Subscriptions.

Rule 3115. (1) Nominations to or entry of a horse in a stakes race is a subscription. Any subscriber to a stakes race may transfer or declare such subscriptions before closing.

(2) Joint subscriptions and entries may be made by any 1 of the owners of a horse, and each owner is jointly and severally liable for all payments due thereon.

(3) Death of a horse or an error in its entry when the horse is eligible does not release the subscriber or transferee from liability for all stakes fees due thereon. Fees paid into a subscription to a stakes race that is run shall not be refunded, except as otherwise stated in the conditions of a stakes race.

(4) Death of a nominator or original subscriber to a stakes race does not render void any subscription, entry, or right of entry. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) When a horse is sold privately or at public auction or is claimed, stakes engagements for such horse transfer automatically with the horse to its new owner; except that if the horse is transferred to an ineligible person, then the subscriptions are void as of the date of the transfer.

(6) All stakes fees paid toward a stakes race shall be allocated to the winner thereof unless otherwise provided by the conditions for such stakes race. If a stakes race is not run for any reason, all the subscriptions and fees shall be refunded.

(7) The stewards shall be given a true copy of the conditions of a stakes race before the trials for such race.

R 431.3120 Closings.

Rule 3120. (1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for such races. If a race is split, an entry, subscription, or declaration shall not be accepted after such closing time; except that if there is an emergency or if a purse race fails to fill, then the racing secretary may extend such closing time.

(2) If the hour of closing is not specified for stakes races, then subscriptions and declarations may be accepted until midnight of the day of closing if they are received in time for compliance with every other condition of such race.

(3) Entries that have closed shall be compiled without delay by the racing secretary and, together with declarations, shall be posted.

R 431.3125 Number of starters in a race.

Rule 3125. (1) The maximum number of starters in a race shall be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders and the distance from the start to the first turn, can be afforded a fair and equal start.

(2) In all stakes races that draw excessive entries the race shall be split into 2 or more races.

(3) At race courses measuring less than a mile in circumference, not more than 10 horses may start in any race without the consent of the stewards, and not more than 12 horses may start under any circumstance.

(4) A claiming race in the printed condition book for which 8 or more horses representing different betting interests are entered shall be run. All other purse races in the printed condition book for which 6 or more horses representing different betting interests are entered shall be run.

(5) If a purse race in the printed condition book fails to fill with the minimum number of entries required by subrule (4) of this rule to be run, then the association may cancel or declare off the race. The names of all horses entered shall be made available upon request.

R 431.3130 Split or divided races.

Rule 3130. (1) If a race is cancelled or declared off, the association may split any race programmed for the same day and which may previously have been closed. Races printed in the condition book shall be filled before substitute and extra races.

(2) When a purse race is split and it results in 2 or more separate races, the racing secretary shall give notice thereof not less than 15 minutes before such races are closed to grant time for the making of additional entries to such split races.

(3) Division of entries upon the splitting of any race shall be made pursuant to the conditions under which entries and subscriptions thereof were made. In the absence of specific conditions, the following provisions apply:

(a) Horses originally joined as a mutuel entry may be placed in different divisions of a split race unless the person making the multiple entry, at the time of entry, indicates the uncoupling is not desired if a race is split.

(b) Division of entries in any split stakes race may be made according to age or sex, or both.

(c) Entries for a split race not divided by any method provided in subdivisions (a) and (b) of this subrule shall be divided by lot to provide a number of betting interests as near equal as possible for each division of a split race.

R 431.3140 Also-eligible list.

Rule 3140. (1) If the number of entries for a purse race exceeds the number of horses permitted to start in a race as provided by R 431.3125, then the names of as many as 4 horses entered but not drawn into a race as starters shall be posted on the entry sheet as “also-eligible” to start.

(2) If any horse is scratched from a race for which an also-eligible list was created, a replacement horse shall be drawn from the also-eligible list into the race in order of preference. If none is preferred, a horse shall be drawn into the race from the also-eligible list by public lot.

(3) A horse that draws into a straightaway race from the also-eligible list shall start from the post position vacated by the scratched horse.

(4) A horse that draws into a non-straightaway race from the also-eligible list shall start from the outermost post position.

(5) The owner or trainer of a horse on the also-eligible list who does not wish to start the horse in the race shall so notify the racing secretary before scratch time for such race.

(6) A horse that is on an also-eligible list and that also has been drawn into a race as a starter for the succeeding day shall not be given an opportunity to be drawn into the earlier race for which the horse had been listed as also-eligible.

R 431.3145 Preference.

Rule 3145. (1) Horses entered that are eliminated from races programmed in the printed condition book either by overfilling or failure to fill shall be listed by the racing secretary and given preference in subsequent races of similar distance and conditions.

(2) Preference shall be given in all races, except handicaps and stakes, according to a horse's last previous race during the current race meeting. The preference date on a horse that has drawn to race and has been scratched is the date of the race from which the horse was scratched. When a horse is racing for the first time in the current meet, the date of the first entry shall be considered the horse's last racing date and preference shall be applied accordingly.

(3) The preference date shall be claimed at the time of entry by indicating the date on the entry with the word "preferred."

(4) Horses that are drawn into races and those on the also-eligible list that draw into races must receive a running date corresponding to the date on which they are to run and must lose all dates previously held.

(5) Horses on the veterinarian's list, stewards' list, or starter's list cannot establish a preference date.

(6) Preference dates remain the same regardless of a change of ownership or trainer.

(7) Horses that have established a preference date at the current race meeting lose that preference date if they race elsewhere. The reentry of such horses reestablishes the preference dates.

(8) Horses entered in the wrong race by an owner, trainer, or authorized agent lose their preference dates.

(9) There are no special preference dates for Michigan-bred horses.

(10) Preference dates must not be carried for a period of more than 45 days. The stewards shall make a final determination in a matter of interpretation of preference dates.

R 431.3155 Declarations.

Rule 3155. Withdrawal of a horse from a race before closing by the owner, trainer, or authorized agent shall be made in the same manner as to form, time, and procedure as provided for the making of entries. Declarations are irrevocable. An association shall not require a declaration fee.

R 431.3160 Scratches.

Rule 3160. Withdrawal of a horse from a race after closing by the owner, trainer, or authorized agent is permitted only under the following conditions:

(a) A horse may be scratched from a stakes race for any reason up until 45 minutes before post time for the race by filing, in writing, an intention to scratch with the clerk of scales.

(b) A horse shall not be scratched from a purse race without approval of the stewards and unless the intention to scratch has been filed, in writing, with the racing secretary at or before the time conspicuously posted as scratch time. A scratch of 1 horse coupled in a mutuel entry in a purse race is permitted up to 1 hour before post time for the first race.

(c) In purse races, horses that are physically disabled shall be excused first. If more than 10 interests remain in the 2 daily double races or trifecta races or more than 8 interests remain in the remainder of

the races, owners or trainers may scratch to those limits by the specified scratch time of the day of the race. The privilege to scratch will be determined by lot when necessary.

(d) Scratches are irrevocable.

R 431.3165 Eligibility; allowances; penalties.

Rule 3165. (1) In determining eligibility, allowances, and penalties, only reports, records, and statistics as published by the official database of racing information and statistics, a corresponding publication of a foreign country, or sworn statements as specified in subrule (2) of this rule shall be considered, unless otherwise provided by the published conditions of the race. Interpretations of the conditions of a race when in dispute, shall be made by the racing secretary with approval of the stewards.

(2) If during the previous calendar year, or if at any time for a maiden race, a horse has started in a race which is not reported by the official database of racing information and statistics, the horse shall not be entered to race until the owner has furnished the racing secretary, not less than 48 hours before the entry, performance records showing all of the following information:

(a) Where and when the horse raced.

(b) The distance.

(c) The weight carried.

(d) Amount earned.

(e) The horse's finishing position and time.

(f) The sworn statement and signature of the owner of the horse.

(3) Penalties and allowances are not cumulative unless so declared by the conditions of the race and shall take effect at the time of starting, except that in overnight races, a horse shall have only the allowance it was entitled to at the time of entry.

(4) Penalties are obligatory. Allowances are optional except filly and mare weight allowances. As to all or any part of the allowance thereof, and, in overnight races, allowances shall be claimed at the time of entry.

(5) Allowances to the produce of untried horses shall be claimed before the expiration of the time of the naming and shall not be lost by winning after that time.

(6) A horse shall not receive allowances of weight or be relieved from extra weight for having been beaten in 1 or more races, but this rule does not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or a race of a specified value.

(7) When a race is in dispute, both the horse that finished first and any horse for which the race is authoritatively claimed are liable to all penalties attached to the winning of that race until the matter is decided.

(8) When winners of claiming races are exempt from penalties, the exemption shall apply to the winners of optional claiming races only if such winner was entered to be claimed.

(9) For every handicap, the handicapper shall append to the weights the day and hour from which winners will be liable to a penalty, if any, and an alteration shall not be made after publication, except in case of omission through error of the name or weight of a horse entered. In case of such omission, and by permission of the stewards, the omission may be rectified by the handicapper.

(10) Penalties shall not be recognized against horses, except maidens, or apply to jockeys in respect to the apprentice allowance, for winning races on minor tracks. In determining which tracks are minor tracks, the executive director may consider tracks that are not reported in the daily racing form or a corresponding publication of a foreign country.

R 431.3170 Michigan-bred races; preference.

Rule 3170. (1) Michigan-bred horses shall be allowed 5 pounds in all overnight races. A Michigan-bred horse, for purposes of weight allowances, breeders' awards, and state supplements, is defined by R 285.810.1.

(2) Horses winning races at recognized county, district, or state fairs in Michigan shall not be penalized for such winnings in races run hereafter under the jurisdiction of the executive director. The maiden allowance, however, shall be lost by winning a race at any fair recognized by the Michigan department of agriculture and rural development.

R 431.3175 Winnings; computation.

Rule 3175. (1) Winnings include all prizes for finishing first up to the time appointed for the start and shall apply to all races, but do not include the value of any prize which is not money or which is not paid in money. Winnings during the year shall be reckoned from the preceding January 1.

(2) A horse shall not be penalized for having been beaten in a race.

(3) The winnings of a horse in a stake race shall be computed in the value of the gross earnings.

(4) In determining the value of a series of races in which an extra sum of money is won by winning 2 or more races of the series, the extra amount shall be added to the purse of the last race by which the money was finally won.

(5) If there is a dead heat, each horse shall be a winner only of the amount received by the owner.

(6) Foreign winnings shall be calculated on the basis of the official rate of exchange on the day of winning.

(7) If a race is not run or is declared no contest, stakes, forfeit, and entrance money shall be returned.

(8) A race may be declared no contest if no qualified horse covers the course according to rule.

(9) Purse money, prize money, or an award of any kind may be distributed by the association unless a hold is placed on the funds by the stewards. The stewards shall notify the association in writing if further delay is necessary.

R 431.3180 Claiming races generally.

Rule 3180. (1) The primary purpose of claiming races is the classification of horses.

(2) In a claiming race, a horse is subject to claim for its entered price by any owner in good standing who is properly licensed in this state. An owner may claim out of his or her initial race.

(3) A legal entity that seeks to make a claim and that otherwise is not eligible as set forth in these rules may do so, after filing proper license application, and by complying with all of the following provisions:

(a) Depositing an amount not less than the minimum claiming price at the race meeting with the horsemen's bookkeeper. Such amount shall remain on account until a claim is made or permission to claim has expired. If withdrawal of such amount occurs, any permit issued pursuant to this rule is automatically revoked and terminated.

(b) Submitting to the stewards, in writing, the name of a trainer whose Michigan license is currently in full force and effect and who will represent the legal entity that desires to make a claim once the claim is made.

(c) Securing from the stewards a written claiming permit which is in full force and effect when a claim is made by the legal entity or a trainer or authorized agent representing the legal entity.

(4) Before issuing a claiming permit, the stewards shall determine that an individual qualifies for an occupational license and permit by the standards of occupational licensing. A claiming permit shall take effect upon issue and shall not be issued for more than 30 days.

(5) A claim may be made on behalf of an owner by an authorized agent or trainer, but an authorized agent or trainer may claim only for the account of those for whom he or she is licensed as agent, and the name of the authorized agent as well as the name of the owner for whom the claim is being made shall appear on the claim slip.

(6) A licensee shall not claim his or her own horse or cause his or her own horse to be claimed, directly or indirectly, for his or her own account.

(7) A person shall not claim more than 1 horse from any 1 race. An authorized agent, although representing more than 1 owner, shall not submit more than 1 claim for any 1 race. When a stable consists of horses owned by more than 1 person and trained by the same trainer, not more than 1 claim may be entered on behalf of such stable in any 1 race.

R 431.3201 Claiming; form; accuracy; time of deposit; voiding a claim.

Rule 3201. (1) A claim shall be made in writing on a form in an envelope furnished by the association and approved by the executive director. Both form and envelope shall be filled out completely and shall accurately identify the claim. A form and envelope that are not filled out completely or that do not accurately identify the claim render the claim void.

(2) A claim shall be deposited in the claim box not less than 15 minutes before post time of the race to which the claim pertains. The claim box shall be removed from the counter of the office not less than 15 minutes before post time of the race, as determined by the official track clock showing post time.

(3) Money or its equivalent shall not be put in the claim box. For a claim to be valid, the person making the claim shall have a credit balance in his or her account with the horsemen's bookkeeper of not less than the amount of the claim.

(4) A claim is irrevocable except as allowed under these rules.

(5) The stewards or their designated representative shall open the claim envelopes for each race as soon as, but not until, the horses for the race enter the race course on the way from the paddock to post.

(6) An official or other employee of an association shall not give any information as to the filing of claims except as is necessary for processing of the claims until the race has been run.

(7) Title to a claimed horse shall be vested in the successful claimant when the horse becomes a starter. A horse is a starter when the stall doors of the starting gate open in front of the horse at the time the official starter dispatches the horses.

(8) A claimed horse shall run in the interest and for the account of the owner who entered it.

(9) The stewards shall be the judges of the validity of a claim. A claim that is not made in compliance with these rules is void.

(10) If a claimed horse is excused by the stewards before the start of the race, a claim for such horse is void.

(11) All claimed horses must be post-race drug tested whereby the horse must be taken to the detention area and remains under control of the original trainer, until released from the detention area. The claimant shall present written authorization for the claim from the racing secretary. Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(12) If more than 1 valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of 1 or more of the stewards. Claimants shall be allowed to inspect claim forms apparatus used in the drawing of lot and be present for the draw.

(13) Notwithstanding any incorrect designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.

(14) Should the analysis of a post-race blood, urine, or other sample taken from a claimed horse result in a post-race positive test, or if the test results of a previous race have not been cleared by the date of the claim and result in a post-race positive test, the claimant's trainer shall be promptly notified by the stewards and the claimant shall have the option to void the claim within 3 days of such notice by the claimant's trainer. If the claimed horse starts in a race for the claimant, this rule may not be used to void the claim. An election to void a claim shall be submitted in writing to the stewards by the claimant or the

claimant's trainer. If the claim is voided, the horse shall be returned to the owner of the horse who subjected the horse to claiming in the race from which the positive test resulted.

(15) A claim is void for any horse that dies during a race or is euthanized on the race course following a race.

(16) A claim is voidable at the discretion of the new owner, for a horse that is placed on the veterinarian's list before leaving the detention barn following the race from which it is claimed. An election to void the claim must be made in writing to the stewards by the claimant or the claimant's trainer within one hour after verbal notification by the official veterinarian that the horse has been placed on the veterinarian's list following the race from which it is claimed.

(17) If a horse is claimed, a blood sample may be taken by a licensed veterinarian and tested for equine infectious anemia. The sample shall be forwarded within 24 hours to an approved laboratory. Pending the receipt of a negative test for equine infectious anemia, the money paid for the claimed horse shall be held by the association. If the test is positive for equine infectious anemia, the ownership of the claimed horse shall revert to the owner from whom the horse was claimed, and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by the claimant.

R 431.3205 Claiming; reentry; additional restrictions.

Rule 3205. (1) A claimed horse is not eligible to race in any other jurisdiction other than Michigan for a period of 60 days from the date of claim or until after the close of the live race meeting at which it was claimed.

(2) A claimed horse shall not be sold or transferred, wholly or in part, to anyone within 30 days after the day it was claimed, except in another claiming race.

(3) A claimed horse shall not remain in the same stable or under the care or management of the owner or trainer from whom the horse was claimed.

(4) When a horse is claimed, its engagements are included.

(5) A person who enters or who allows to be entered, in a claiming race, a horse against which claim is held by mortgage, bill of sale, or lien of any kind is subject to disciplinary action, unless, when or before entering the horse, the written consent of the holder of the mortgage, bill of sale, or lien is filed with the racing secretary.

(6) A person shall not enter a horse in a claiming race without disclosing the horse's true ownership.

(7) A person shall not enter into or offer to enter into an agreement not to claim, or attempt to prevent another person from claiming, any horse in a claiming race. A person shall not attempt, by intimidation or otherwise, to prevent anyone from running a horse in any claiming race. An owner, trainer, or authorized agent shall not make an agreement with another owner, trainer, or authorized agent for the protection of each other's horses in a claiming race.

(8) If a stable registered at a meeting is eliminated by sale or removal from the grounds, the right to claim is void. When a stable has been eliminated by claiming, the owner so affected is entitled to claim during the next 30 racing days at any live race meeting in this state. Stables eliminated by fire and other hazards may also be permitted by the stewards to claim under this rule.

R 431.3210 Dead heats.

Rule 3210. (1) If a dead heat is declared, regardless of the number of horses running a dead heat, they shall divide the dead heated finishers' prize money equally.

(2) If the dividing owners cannot agree which owner is to have a cup or other prize which cannot be divided, the question shall be determined by the stewards by lot.

R 431.3215 Weights.

Rule 3215. (1) When the conditions of a race do not state to the contrary, the weights set up by the jockey club are adopted as weights by the executive director.

(2) For a race in which horses are 2 years old, the weight is 122 pounds and for 3 year olds or 4 year olds, 126 pounds.

(3) Fillies 2 years old are allowed 3 pounds and mares 3 years old or over are allowed 5 pounds before, and 3 pounds after, September 1, except in handicaps and in races where the conditions expressly state otherwise.

R 431.3220 Jockeys; probationary mounts.

Rule 3220. Any person who wishes to participate as a jockey and who has never previously ridden in a race may be required to ride in 5 races before being granted a license upgrade by the stewards. A person may only ride in the required probationary races if all of the following conditions have been satisfied:

(a) A trainer certifies, in writing, to the stewards that such person has demonstrated sufficient horsemanship to be permitted such probationary mounts.

(b) The official starter has schooled such person in breaking from the starting gate with other horses and approves such person as capable of starting a horse properly from the starting gate in a race.

(c) The stewards, in their sole discretion, are satisfied such person intends to become a licensed jockey, possesses the physical ability, and has demonstrated sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other riders in such race. A person shall not be permitted to ride in any such probationary races without prior approval of the stewards.

R 431.3225 Jockeys; licensing qualifications.

Rule 3225. In addition to rules applicable to licensees in part 1 of these rules, a holder of a license as a jockey or apprentice jockey shall comply with all of the following provisions:

(a) Be 16 years of age or older.

(b) Be licensed under his or her legal name, which shall be listed in the daily race program.

(c) Have ridden in a number of races considered satisfactory by the stewards.

(d) When required by the stewards, provide a medical affidavit certifying that the applicant is physically and mentally capable of performing the activities and duties of a licensed jockey.

(e) Be under contract or have an apprentice certificate.

R 431.3230 Apprentice allowance and contract.

Rule 3230. (1) Any person 16 years of age or older who has never been previously licensed as a jockey in any country and who is qualified under the provisions of R 431.3225 may claim in all purse races, except stakes and handicaps, the following weight allowances:

(a) Except as otherwise provided in this subrule, five pounds. This allowance shall continue for 1 year from the date of the apprentice jockey's fifth win. If the apprentice has not ridden 40 winners in the 1-year period, the allowance shall continue for a period of not more than 3 years from the date of the apprentice's first win until he or she has ridden 40 winners. Wins at recognized meetings where the rules do not permit apprentice allowances shall not count as wins with respect to this subdivision.

(b) After completion of the conditions specified in subdivision (a) of this subrule, a contracted apprentice, for 1 year, may claim 3 pounds when riding horses owned or trained by his or her original contract employer. The holder of the contract when an apprentice rides his or her first winner shall be considered the original contract employer.

(2) An apprentice jockey may enter into a contract with an owner or trainer qualified under R 431.3235 for a period of not less than 3, nor more than 5, years. Such contracts shall be approved by the stewards and filed with the executive director. Such contracts shall be binding in all respects on the signatories

thereof. An apprentice who is not contracted shall be given an apprentice jockey certificate on a form furnished by the executive director.

(3) If an apprentice is unable to ride for a period of 14 consecutive days or more because of service in the Armed Forces of the United States, physical disablement, or restrictions on racing, the stewards, after consultation with the racing authority which first approved the original apprentice contract or certificate, may extend the time during which such apprentice weight allowance may be claimed for a period not longer than the period such apprentice jockey was unable to ride.

(4) After satisfying the conditions specified in subrule (1) of this rule, a rider shall be issued a license as a jockey before accepting subsequent mounts. Under these circumstances, the executive director may waive collection of an additional license fee.

R 431.3235 Jockey contracts.

Rule 3235. A contract between an owner or trainer and an employee jockey is subject to the rules of racing. All riding contracts for terms longer than 30 days, as well as any amendments thereto or cancellation or transfer thereof, shall be in writing and shall contain notarized signatures of all parties to the contracts. A contract shall be approved by the stewards and filed with the executive director. The stewards may approve a riding contract and permit persons to participate in racing in this state if the stewards find that all of the following provisions are satisfied:

- (a) The contract employer is an owner or trainer who owns or trains not less than 3 horses which are eligible to race at the time of execution of such contract.
- (b) The contract employer possesses the character, ability, facilities, and financial responsibility conducive to developing a competent race jockey.
- (c) The contract provides fair remuneration, adequate medical care, and an option equally available to both employer and jockey to cancel such contract after 2 years from date of execution.

R 431.3240 Rescinded.

R 431.3245 Calls and engagements.

Rule 3245. (1) Any jockey who is not prohibited by prior contract may agree to give first or second call on his or her racing-riding services to any owner or trainer. Such agreements, if for terms of more than 30 days, shall be in writing, approved by the stewards, and filed with the executive director.

(2) A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable which employs him or her. An owner or trainer shall not employ or engage a jockey to prevent him or her from riding another horse.

R 431.3250 Jockeys' room; reporting.

Rule 3250. (1) A jockey who has engagements to ride shall, upon entering the grounds, report directly to the scale room at the time designated by the clerk of scales. After making weight, a jockey shall not leave the jockeys' room, except to ride in scheduled races, until all of his or her engagements for the day have been filled, except as approved by the stewards. Immediately before mounting, a jockey shall test his or her weights on the scales provided for that purpose. Failure to test his or her weights subjects a jockey to possible disciplinary action.

(2) A jockey shall not reenter the jockeys' room once his or her day's engagements are completed.

(3) A jockey shall wear the colors of the owner of the horse he or she is riding, unless permitted by the stewards to do otherwise.

(4) The association shall make arrangements for valets to attend the jockeys. Valets shall be paid for their services by the association. The valets shall work on a rotation system prepared by the jockeys' room custodian.

(5) The valets shall be uniformly and neatly attired in uniforms provided by the association and approved by the executive director.

R 431.3255 Jockeys' room custodian; duties.

Rule 3255. (1) It is the duty of the association, through the services of the jockeys' room custodian, to assure that order, decorum, and cleanliness are maintained in the jockeys' and scale rooms.

(2) The custodian shall assist the clerk of scales as the clerk desires.

(3) The custodian shall make certain that persons other than racing officials, representatives of the executive director, and the necessary jockeys' room attendants are not admitted to the jockeys' room after the designated time of a race day without the consent of the stewards for each time of entry.

(4) The custodian shall oversee the care and storage of all racing colors.

(5) The custodian shall oversee the jockey valets.

(6) The custodian shall report any irregularities to the clerk of scales that occur in his or her presence.

(7) The custodian shall make certain that jockeys are neat in appearance when they leave, with the approval of stewards, to observe the running of a race. Gambling and games of chance are not permitted in the jockeys' room.

(8) A person employed in the jockeys' room shall not make a bet for himself or herself or place a bet for another on any race under penalty of disciplinary action, including license revocation.

R 431.3260 Racing and safety equipment.

Rule 3260. (1) Any person mounted on a horse or stable pony on the grounds must wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew must adhere to this rule at all times while performing their duties or handling a horse.

(2) Any person mounted on a horse or stable pony on the grounds must wear a properly-secured safety vest at all times. Additionally, all members of the starting gate crew must also adhere to this rule at all times while performing their duties or handling a horse.

(3) The association shall make available for use approved helmets, safety vests, and any other safety equipment as required by the executive director for association employees mounted on a horse or stable pony or members of the starting gate crew.

(4) A safety helmet or a safety vest must not be altered in any manner and the product marking must not be removed or defaced.

(5) A riding crop, number cloth, or blinkers are not allowed on the scales. A bridle or safety helmet approved by the executive director must not be weighed.

(6) The use of spurs is prohibited.

(7) As used in this rule, "member of the starting gate crew" means any person licensed as an assistant starter or any person who handles a horse in the starting gate.

R 431.3265 Wagering; attire; film review.

Rule 3265. (1) A jockey shall not place a wager, cause the placement of a wager placed on his or her behalf, or accept any ticket or winnings from a wager on any race, except on his or her own mount and except through the owner or trainer of the horse he or she is riding.

(2) A jockey who is proven, to the satisfaction of the executive director, to have engaged in any forbidden wagering transaction or to have received any remuneration, gratuities, or incentive in connection with a horse race from persons other than the owner or trainer of a horse ridden by such jockey shall be subject to disciplinary action.

(3) Upon leaving the jockeys' room, until all of their engagements for the day have been filled, a jockey shall be neat and clean in appearance and wear the traditional jockey silks with all jacket buttons and catches fastened. A jockey shall wear the cap and jacket racing colors registered in the name of the

owner of the horse he or she is to ride, stock tie, white breeches, top boots, safety helmet approved by the executive director, and a number on his or her right shoulder corresponding to his or her mount's number shown on the saddle cloth and in the daily racing program. In an emergency, an association may provide substitute colors.

(4) A jockey shall check the film list posted by the stewards in the jockeys' room the day after riding in a race. The posting of the list is notice to all riders whose names are listed thereon to present themselves at the time designated by the stewards to view the patrol films or videotapes of races.

R 431.3270 Jockey fees.

Rule 3270. (1) A dispute as to whether or not the jockey has earned his or her fee after he or she has weighed out for the race must be determined by the stewards according to the circumstances in each case.

(2) When a jockey weighs out and does not ride in a race for which he or she has been engaged because an owner or trainer engaged more than 1 rider for the same race, the owner or trainer may be required to pay an appropriate fee to each rider engaged for such race. A jockey shall honor his or her contractual agreements.

R 431.3275 Jockey agents; restrictions.

Rule 3275. (1) Jockeys may make their own engagements or the engagements may be made by a licensed jockey agent or contract employer. A jockey agent may act for 2 jockeys and 1 apprentice jockey.

(2) A jockey agent shall not be allowed in the paddock or jockeys' room at any time.

(3) A jockey agent shall maintain separate and accurate records of all engagements contracted for jockeys he or she represents and shall, at all times, have these records available for examination by the executive director or his or her authorized representative.

(4) Inaccuracies or the failure to maintain records may result in disciplinary action, including license revocation.

(5) When a jockey dismisses a jockey agent, the jockey shall give immediate notice to the stewards in writing. Failure of the jockey to give written notice to the stewards may result in disciplinary action.

(6) A jockey agent shall not enter a horse in any race unless he or she has given first or second call to the owner or trainer. A jockey agent's license is invalid if he or she is not representing a jockey currently participating at the race meeting.

R 431.3290 Paddock to post.

Rule 3290. (1) A horse shall not start unless the trainer and the owner are licensed by the executive director. A trainer who is absent from his or her stable or from the grounds where his or her horses are racing for more than 2 consecutive racing days, and whose horses are entered or are to be entered, shall provide a trainer to assume complete responsibility for the horses being entered or running. Such trainer shall sign, in the presence of the stewards, a form furnished by the executive director accepting complete responsibility for the horses entered or running.

(2) Every horse entering the paddock to race shall be inspected as to its shoeing, if any. An unshod horse may race with permission of the stewards and must be noted on the program or announced to the public.

(3) All horses shall parade and carry their weight from the paddock to the starting post. A horse that fails to do so may be disqualified by the stewards.

(4) After entering the race course, not more than 12 minutes shall elapse in the parade of horses to the post, except in cases of unavoidable delay. After passing the stand once, horses are allowed to break

formation and canter, warm up, or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay.

(5) Each association shall employ not less than 2 outriders to escort starters to the post and to assist in the returning of all horses to the unsaddling area. An outrider shall not lead any horse unless it has demonstrated unruly behavior, but shall assist in the control of any horse which might cause injury to a jockey or others. Outriders are required to be present on the race course, mounted, and ready to assist in the control of any unruly horse or to recapture any loose horse at all times horses are permitted on the race course for exercising or racing.

(6) The horses are under the control of the official starter after they leave the paddock until the start and are not entitled to further care from their attendants, except that, in case of an accident, the official starter may permit jockeys to dismount and may permit horses to be cared for during the delay. Other than this exception, a jockey shall not dismount. Unruly horses shall be placed on the schooling list.

(7) The official starter is required to load horses in the starting gate in order of post position. Any exception to this must be approved by the stewards.

(8) An owner or trainer who desires that his or her horse not be tailed or tonged at the starting gate shall make, at time of entry, a written request to the official starter and the horse shall not be tailed or tonged.

(9) Horses shall be schooled under the supervision of the official starter or his or her assistant. The official starter shall report horses that are sufficiently schooled to start to the racing secretary. Unruly horses shall be placed on the schooling list and shall not start until approved by the official starter. The schooling list shall be respected in all cases.

(10) Before becoming a starter, a horse may be excused by the stewards because of physical disability, incorrigibility, or because of having been improperly entered in the race.

(11) If a horse is excused by the stewards before becoming a starter, or if the doors at the front of the stall gate do not open when the official starter dispatches the field, which causes a horse to be left, or if any horse is disqualified for bringing in underweight, the money bet on any horse or horses thus eliminated shall be deducted from the pool and refunded to the purchasers of tickets on such horse or horses. However, if 1 horse of an entry or 1 of the horses grouped in the field leaves the stall gate and brings in proper weight, there shall not be a refund on the entry or on the field.

(12) When a loose horse leaves the race course the horse shall be scratched.

R 431.3295 Disqualification.

Rule 3295. (1) A leading horse is entitled to any part of the race course, but if any horse swerves or is ridden to either side so as to interfere with or impede another horse, it is a foul and the horse may be disqualified at the discretion of the stewards. If the stewards determine the foul was intentional or due to careless riding, they shall take disciplinary action against the offending jockey.

(2) The stewards may determine the extent of disqualification in case of fouls. The stewards may place the offending horse behind the horses which, in their judgment, it interfered with or the stewards may place the offending horse last.

(3) When a horse is disqualified under this rule, the stewards may disqualify a horse in the same race belonging wholly or partly to the same owner or trained by the same trainer.

(4) The stewards shall take cognizance of foul riding, whether or not an objection is made.

(5) A person shall not assist a jockey in taking his or her equipment off his or her horse, except with permission of the stewards.

(6) A person shall not throw any covering over any horse at the place of dismounting until the horse's equipment is removed.

(7) A jockey shall weigh in at the same weight as that which he or she weighed out. If short of the weigh-out weight by 2 pounds or more, the jockey's mount may be disqualified and a refund of wagers on the horse may be ordered.

(8) A horse that does not carry its jockey across the finish line is disqualified.

(9) A jockey who willfully strikes another jockey or horse with his or her riding crop or who grabs the clothing, equipment, or person of another jockey or horse may be subject to disciplinary action and his or her mount may be disqualified.

R 431.3300 Riding crops

Rule 3300. (1) All riding crops are subject to inspection and approval by the stewards and the clerk of scales. Riding crops must meet all of the following requirements:

(a) Riding crops shall have a shaft and a flap and shall be allowed in flat racing, including training, only if all of the following specifications are met:

(i) Maximum weight of eight ounces.

(ii) Maximum length, including flap, of 30 inches.

(iii) Minimum diameter of the shaft of 3/8 inch.

(iv) Smooth shaft contact area with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least 1 millimeter throughout its circumference.

(b) The flap is the only allowable attachment to the shaft and must meet all of the following specifications:

(i) Length beyond the end of the shaft a maximum of 1 inch.

(ii) Width a minimum of 0.8 inch and a maximum of 1.6 inches.

(iii) No reinforcements or additions beyond the end of the shaft.

(iv) No binding within 7 inches of the end of the shaft.

(v) Shock absorbing characteristics similar to those of the contact area of the shaft.

(2) Use of riding crop is subject to all of the following requirements:

(a) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

(b) In all races where a jockey will ride without a riding crop, an announcement of such fact shall be made over the public address system.

(c) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the race meeting, whether in a race or otherwise.

(d) Riding crops shall not be used on two-year-old horses before April 1 of each year.

(e) The riding crop shall only be used for safety, correction, and encouragement.

(f) All riders should comply with the following when using a riding crop:

(i) Showing the horse the riding crop and giving it time to respond before hitting it.

(ii) Having used the riding crop, giving the horse a chance to respond before using it again.

(iii) Using the riding crop in rhythm with the horse's stride.

(g) Prohibited uses of the riding crop include, but are not limited to, striking a horse in any of the following manners:

(i) On the head, flanks, or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse.

(ii) During the post parade or after the finish of the race except when necessary to control the horse.

(iii) Excessively or brutally causing welts or breaks in the skin.

(iv) When the horse is clearly out of the race or has obtained its maximum placing.

(v) Persistently even though the horse is showing no response under the riding crop.

(h) The riding crop may not be used to strike another rider or other horse.

(3) After the race, horses are subject to inspection by the official veterinarian looking for cuts, welts, or bruises in the skin. Any adverse findings shall be reported to the stewards.

(4) The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions.

R 431.3301 Jockey's best effort to win and diligence in riding.

Rule 3301. (1) A jockey shall give his or her best effort to win in all races in which he or she participates and shall exercise due diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth his or her best effort to win or does not use due diligence in the riding of a race, the jockey shall be subject to disciplinary action.

(2) Every horse in every race shall be ridden so as to win or finish as near as possible to first and demonstrate the best and fastest performance of which it is capable at the time. A horse shall not be eased up without adequate cause, even if it has no apparent chance to earn a portion of the purse money. A jockey who unnecessarily causes a horse to shorten stride may be subject to disciplinary action at the discretion of the stewards. Stewards shall take cognizance of marked reversal of form of all horses and shall conduct inquiries of the owner, trainer, and all other persons connected with such horse suspected of unusual racing. If the stewards find that such horse was deliberately restrained or impeded in any way by any means so as not to win or finish as near as possible to first, any person found to have contributed to such circumstances may be subject to disciplinary action at the discretion of the stewards.

R 431.3305 Scheduling of races for Michigan-bred horses.

Rule 3305. (1) At least 1 race for Michigan-bred horses shall be scheduled on each full thoroughbred program.

(2) Entries may be accepted from non-Michigan-bred horses into the race for Michigan-bred horses creating a pool of entries for a Michigan-bred preferred race.

(3) If an approved Michigan-bred horse race does not fill by a time agreed upon by the racing secretary and designated CHO representative, then the Michigan-bred preferred race may be substituted by the racing secretary with the approval of the designated CHO representative.

(4) Michigan-bred supplements may be awarded in Michigan-bred preferred races to those Michigan-bred horses finishing first, second, or third with the approval of the director of the Michigan department of agriculture and rural development or his or her designated representative.

R 431.3310 Mixed thoroughbred breed horse and quarter horse breed horse races.

Rule 3310. Upon proper application, the stewards may approve races under the thoroughbred rules in which both thoroughbred and quarter horses compete in the same race. Charted wins are valid records.

PART 4. STANDARD BRED RACING

R 431.4001 Definitions; C to E.

Rule 4001. As used in this part:

(a) "Classified race" means a race in which, regardless of the eligibility of horses, entries are selected on the basis of ability or performance.

(b) "Conditioned race" means an overnight race to which eligibility is determined according to specified qualifications. Such qualifications may be based upon the following:

(i) Money winnings in a specified number of previous races or during a specified period of time.

(ii) Finishing position in a specified number of previous races or during a specified period of time.

(iii) Age, sex, or number of starts during a specified period of time.

- (iv) Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.
- (v) Any combination of the qualifications listed in this subdivision.
- (c) “Current charted line” means written documentation of a horse's performance recorded on the horse's electronic eligibility by a licensed charter or licensed clerk of the course, within 45 days of the date of the race for which the horse is entered. A current charted line shall include all of the following information and the symbols for free-legged, breaks, and park outs shall be used where appropriate:
 - (i) Date of race.
 - (ii) Location.
 - (iii) Race course size, if other than 1/2 mile.
 - (iv) Race course condition.
 - (v) Type of race.
 - (vi) Distance of race.
 - (vii) Fractional times of the leading horse, including race time.
 - (viii) Post position.
 - (ix) Position at first quarter.
 - (x) Position at half.
 - (xi) Position at three-quarters.
 - (xii) Position at head of stretch with lengths behind leader.
 - (xiii) Position at finish with lengths behind leader.
 - (xiv) Individual race time of horse.
 - (xv) Closing dollar odds.
 - (xvi) Name of driver.
 - (xvii) Dead heats.
- (d) “Dash” means a race decided in a single trial. Dashes may be given in a series of 2 or 3 governed by 1 entry fee for the series, in which event a horse shall start in all dashes. Positions may be drawn for each dash.
- (e) “Declaration” means the naming of a particular horse to a particular race as a starter. Declarations shall be taken not more than 4 days in advance for all races, except those for which qualifying dashes are provided.
- (f) “Early closing race” means a race for a definite purse to which entries close not less than 6 weeks preceding the race. The entrance fee may be on the installment plan or otherwise and all payments are forfeits. Payments on 2-year-olds in early closing races are not permissible before February fifteenth of the year in which the horse is a 2-year-old.
- (g) “Elimination heats” means heats of a race split according to these rules which qualify the contestants for a final heat.
- (h) “Exercise driver” means a person licensed as such, hired to warm up a horse participating on a given day.

R 431.4005 Definitions; H to M.

Rule 4005. As used in this part:

- (a) “Handicap” means a race in which performance, sex, or distance allowance is made and in which post positions may be assigned or, in the case of a handicap claiming race, determined by claiming price.
- (b) “Heat” means a single trial in a race 2 in 3 or 3-heat plan.
- (c) “Horse” means a standardbred horse registered as such with the United States Trotting Association (USTA), and is a term used in these rules to designate any standardbred irrespective of age or sex designation.
- (d) “Kick” means any contact between the driver's foot and the horse.

(e) “Late closing race” means a race for a fixed amount to which entries close less than 6 weeks, but more than 3 days, before the race is to be held.

(f) “Maiden” means a horse that has never won a heat or race at the gait at which it is entered to start and for which a purse is offered. Races or purse money awarded to a horse after the “official” sign has been posted shall not be considered winning performances or affect a horse's status as a maiden.

R 431.4010 Definitions; R to S.

Rule 4010. As used in this part:

(a) “Record” means the fastest time made by a horse in a heat or dash which the horse won or is a performance against time. A standard record is a record of 2:20 or faster for 2-year-olds and 2:15 or faster for all other ages.

(b) “Sulky” means a dual-shaft, dual-wheel racing vehicle. The use of any sulky in competition at any harness race track shall be subject to the approval of the stewards.

R 431.4015 Racing officials.

Rule 4015. (1) The following positions at a race meeting are designated as officials:

- (a) Stewards
- (b) Patrol judges.
- (c) Paddock judge.
- (d) Official starter.
- (e) Clerk of course.
- (f) Timer/photo finish operator.
- (g) Horse identifier.
- (h) Racing secretary, and such assistants as he or she may require.
- (i) Official veterinarian.

(2) In case of an emergency, the association may provide a substitute steward, with the approval of the executive director, to act as the steward for the remainder of any program.

(3) A person, other than the stewards, shall not be allowed in the stewards' stands during the running of a race, except with permission of the stewards.

(4) A person, other than the stewards, shall not be in the stewards' stand when a decision is being made on a foul claim or stewards' inquiry.

(5) Racing officials serving in the capacity of steward, patrol judges, clerk of course, official starter, and horse identifier may be required to take and satisfactorily pass an optical examination at the request of the executive director. The examination shall evidence a minimum corrected vision of 20/30 and an ability to distinguish colors correctly.

(6) All racing officials, with the exception of those representing the executive director, shall be nominated by the association. All of the racing officials are subject to the approval of the executive director. The executive director reserves the right to demand a change of racing officials for what he or she considers good and sufficient reason. The successors of a racing official so replaced shall also be subject to the approval of the executive director.

(7) A racing official shall not be the owner or part owner of a horse racing at a track where the official is serving.

R 431.4020 Stewards; duties and responsibilities.

Rule 4020. (1) In addition to the general powers specified in these rules, the stewards shall have the following specific duties and responsibilities:

- (a) Exclude from the race any horse that, in their opinion, is improperly equipped, dangerous, or unfit to race.

(b) Investigate any act of cruelty seen by them or reported to them, whether a horse subjected to the alleged cruelty is stabled on or off the grounds.

(c) Immediately thereafter open an investigation of any accidents to determine the cause thereof.

(d) Closely observe the performance of the drivers and the horses to ascertain if there are any violations of racing rules, particularly interference, helping, or inconsistent racing, and exhaust all means possible to safeguard the contestants and the public.

(e) Notify a summoned party of a hearing as soon as possible.

(f) Be in the stand 15 minutes before the first race.

(g) Observe the preliminary warming up of horses and scoring, noting all of the following:

(i) Behavior of horses.

(ii) Lameness.

(iii) Equipment.

(iv) Conduct of the drivers.

(v) Changes in odds.

(vi) Any unusual incidents pertaining to horses or drivers participating in races.

(h) Designate 1 steward to lock the pari-mutuel machines immediately upon the horses reaching the official starting point.

(i) Be in communication with the patrol judges, by use of patrol phones or radio, from the time the official starter picks up the horses until the finish of the race. A recording may be made and preserved of all communications between the patrol judges and the stewards' stand.

(j) Cause the "objection" sign or "inquiry" sign to be posted in the case of an objection or possible rule violation, and immediately notify the announcer of the objection and the horse or horses involved. In addition, the stewards shall cause the "inquiry" sign to be posted when there has been an accident during the race. As soon as the stewards have made a decision, the posted sign shall be removed, the correct placing displayed, the "official" sign flashed, the announcer provided with an explanation of the decision for announcement, and a video displayed on racetrack monitors.

(k) Display the "photo" sign if the order of finish among the contending horses is less than 1/2 length or a contending horse is on a break at the finish. After the photo has been examined and a decision made, true copies shall be made and posted or projected for public inspection.

(l) May review the video recordings of the races conducted the previous race day and, in instances of a possible rule infraction or for instructional purposes, show and explain such films to drivers on a daily basis at a time designated by the stewards.

(m) Maintain a daily stewards' report in the manner and form prescribed by the executive director and report all actions of the stewards that arise during a race day.

(2) In the performance of their duties, the stewards shall have unrestricted access to all areas and grounds of an association.

(3) A complaint against a racing official may be made to the stewards or to the executive director. Complaints made directly to the stewards shall be reported to the executive director, in writing, together with any action which has been taken by the stewards.

R 431.4025 Reversals of form.

Rule 4025. (1) The stewards shall take cognizance of any marked reversal of form of all horses and shall, in their discretion, conduct inquiries. During inquiries, the stewards may take into consideration the betting action on the horse in question and films of the horse's previous races, and shall consider all other facts they consider relevant toward making a determination as to whether the horse being evaluated was deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first. If after such review the stewards make a determination that there is a reasonable probability that the horse in question was deliberately restrained in any way by any means in

previous races so as not to win or finish as near as possible to first, the stewards may take disciplinary action against a person found to have contributed to the restraining of the horse.

(2) If the stewards find that a horse has been deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first, these findings may be forwarded by the executive director to law enforcement authorities.

R 431.4030 Patrol judges; duties.

Rule 4030. (1) A patrol judge shall take a position designated by the stewards. He or she shall report all fouls and improper conduct immediately by phone or radio. The result of a heat or dash shall not be announced until sufficient time has elapsed to receive the reports of the patrol judges. Where there is a patrol car, only 1 patrol judge is required.

(2) The stewards may require a patrol judge to submit to the stewards a daily written report of his or her observations.

(3) In the absence of a patrol judge, the official starter shall assume the patrol judge duties.

R 431.4035 Official starter; duties.

Rule 4035. The official starter shall be in the starting gate 15 minutes before the first race. He or she shall have control over horses and shall have authority to recommend penalties to the stewards for any violation of the rules from the formation of the parade until the word “go” is given.

R 431.4040 Clerk of course; duties.

Rule 4040. The clerk of the course has the following duties:

- (a) At request of the stewards, assist in drawing positions.
- (b) Record in the stewards' book all of the following information:
 - (i) All horses entered and their electronic eligibility numbers.
 - (ii) Names of owners and drivers and drivers' United States Trotting Association license numbers.
 - (iii) The charted lines.
 - (iv) The money won by horses at that track.
 - (v) Drawn or ruled out horses.
 - (vi) Each horse's time in minutes, seconds, and fifths of seconds.
- (c) Check electronic eligibility before and after the race, and enter all information provided for thereon, including the horse's position in the race.
- (d) Verify the correctness of the stewards' book, including race time, placing and money winnings, and reasons for disqualifications, if any, and see that the book is properly signed.

R 431.4045 Timer/photo finish operator; duties.

Rule 4045. (1) The timer/photo finish operator shall verify the correctness of the electric timing device. All times shall be announced and recorded in fifths of seconds.

(2) The timer/photo finish operator shall be in the stand 15 minutes before the first heat or dash is to be held. The timer/photo finish operator shall start his or her watch when the first horse leaves the point from which the distance of the race is measured. The time of the leading horse at the quarter, half, three-quarters, and finish shall be taken. If odd distances are raced, the fractions shall be noted accordingly.

(3) The timer/photo finish operator shall record images of all horses as they cross the finish line and provide those images to the stewards.

R 431.4050 Paddock judge; duties.

Rule 4050. The paddock judge shall have general supervision over the paddock and be responsible for all of the following:

- (a) Getting the fields on the race course for post parades pursuant to the schedule given to him or her by the stewards.
- (b) Inspection of horses for changes in equipment, broken or faulty equipment, or saddle pads.
- (c) Supervision of paddock gate attendants.
- (d) Supervising the proper check in and check out of horses and drivers at the times designated and reporting any infractions to the stewards.
- (e) Ensuring that the horse identifier checks the identification of all horses coming into the paddock, including the tattoo number, unique microchip, color, and markings.
- (f) Direction of the activities of the paddock blacksmith.
- (g) Notifying the stewards of anything that could in any way change, delay, or otherwise affect the racing program.
- (h) Ensuring that only properly authorized persons are permitted in the paddock.
- (i) Ensuring that, except for warm-up trips, no horse leaves the paddock until called to post.
- (j) Informing drivers when breathalyzer tests are being conducted.

R 431.4055 Racing secretary; duties.

Rule 4055. (1) Duties of the racing secretary include, but are not limited to, all of the following:

- (a) Be familiar with the age, class, and competitive ability of all horses racing at the track.
 - (b) Where the rules require, classify and reclassify horses pursuant to the rules.
 - (c) Write conditions and schedule the daily racing programs to be presented at the track.
 - (d) Provide for the listing of horses in the daily program and examine all entry blanks and declarations to verify all information set forth therein and select the horses to start and the also-eligible horses from the declarations pursuant to the rules governing these functions.
 - (e) Examine nominations and declarations in early closing and stake races to verify the eligibility of all declarations and nominations and to compile lists thereof for publication.
- (2) The racing secretary may reject the declaration on any horse whose past performance indicates that the horse would be below the competitive level of other horses declared.
- (3) A 2-year-old shall not be permitted to start in a dash or heat exceeding 1 mile in distance, and a 2-year-old shall not be permitted to race in more than 2 heats or dashes in any single day.
- (4) Races or dashes shall be given at a stated distance in units not shorter than 1/16 of a mile. The length of a race and the number of heats shall be stated in the conditions. If the distance or number of heats is not specified, all races shall be a single mile dash.

R 431.4060 Official veterinarians; duties; recordkeeping.

Rule 4060. (1) The official veterinarian shall examine horses the stewards request him or her to examine. The official veterinarian is responsible for approving for release from the veterinarian's list all horses that have been placed on the list because of lameness, sickness, or injury before they may be entered to race again.

(2) An official veterinarian shall not, during the period of his or her employment, for compensation or otherwise, treat or prescribe for a racing horse, except in case of emergency. In an emergency, a full and complete treatment report shall be made to the stewards. An owner or trainer shall not employ or pay compensation to an official veterinarian, either directly or indirectly, during the period for which he or she is employed by the executive director.

(3) The official veterinarian shall observe the training and warming up of horses on the grounds, shall examine any horse that appears ill or injured, and shall report such information to the stewards.

(4) The official veterinarian shall observe the horses in the paddock and warming up for the racing program, observe the race, and observe the horses pulling up after the race. They shall investigate and examine such horses that appear to be ill or injured, and shall report such information to the stewards.

(5) The official veterinarian shall examine, where possible, and where not possible to personally examine, shall confirm, the condition of horses intended to be scratched from a race so that such horses will be certified as unfit to race. A horse having been certified as unfit and scratched from a race shall not be entered again until certified as fit by the official veterinarian.

R 431.4070 Program information.

Rule 4070. (1) A printed program shall furnish all of the following information:

(a) Horse's name and sex.

(b) Color and age.

(c) Sire and dam.

(d) Owner's name.

(e) Driver's name and colors.

(f) In claiming races, the price for which the horse is entered to be claimed, with allowances for age and sex.

(g) Not less than the last 5 performances and accurate chart lines. An accurate chart line shall include all of the following information:

(i) Date of the race and place.

(ii) Size of the race course if other than a half-mile race course.

(iii) Symbol for free-legged paces.

(iv) Symbol for trotting hobbles.

(v) Race course condition plus allowances.

(vi) Type of race.

(vii) Distance.

(viii) The fractional times of the leading horse, including race time.

(ix) Post position.

(x) Position at one quarter; one-half; three quarters; the stretch, with lengths behind the leader; and at the finish, with lengths behind the leader.

(xi) Individual time of the horse.

(xii) Closing dollar odds.

(xiii) Name of the driver.

(xiv) Names of the horses placed first, second, and third by the stewards. The standard symbols for breaks and park-outs shall be used, where applicable.

(h) Identification of drivers racing with a provisional license.

(i) Identification of pacers that are racing without hobbles.

(j) Identification of trotters racing with trotting hobbles.

(k) A summary of the starts in purse races, earnings, and the best win time for the current and preceding year. A horse's best win time may be earned in either a purse or non-purse race.

(l) The name of the trainer.

(m) The consolidated line, which shall carry all of the following information if the race is not at 1 mile:

(i) Date, place, and time of the race.

(ii) Driver finish.

(iii) The race course condition and distance.

(n) A stable name with the name of at least 1 owner. If the stable represents more than 1 owner, the joint ownership shall be indicated by the use of the name of 1 owner and the words "et al."

(2) Owners, drivers, or others found guilty of providing inaccurate information on a horse's performance or attempting to have misleading information given in a program shall be subject to disciplinary action.

R 431.4075 Charting of races.

Rule 4075. The charting of races shall be done by a United States Trotting Association certified person who shall be responsible for providing a complete and accurate chart.

R 431.4080 Paddock rules.

Rule 4080. (1) Horses shall be in the paddock at the time prescribed by these rules or by the stewards, but, in any event, at least 1 hour before post time of the race in which the horse is to compete. Except for warm-up trips, a horse shall not leave the paddock until called to the post.

(2) All of the following persons are entitled to admission to the paddock:

- (a) Owners of horses competing on the date of the race.
- (b) Not more than 2 members of a registered stable, other than the driver, on any 1 racing day.
- (c) Trainers of horses competing on the date of the race.
- (d) Drivers of horses competing on the date of the race.
- (e) Grooms and caretakers of horses competing on the date of the race.
- (f) Officials whose duties require their presence in the paddock.
- (g) A licensed horsemen's representative.
- (h) Exercise drivers.

(3) A driver, exercise driver, trainer, or groom, once admitted to the paddock, shall not leave the paddock, other than to warm up a horse, without approval from the paddock judge or stewards, until the race or races for which the driver, exercise driver, trainer, or groom was admitted are completed.

(4) A licensee shall not return to the paddock after horses in their stable have completed racing until all races of that program have been completed.

(5) Drivers shall report to the paddock judge 1 hour before post time for the driver's first race.

R 431.4085 Horse identification.

Rule 4085. (1) A horse shall not be permitted to race unless it is fully identified. The burden of establishing a horse's identity rests with the owner or trainer and must be verified by a racing official.

(2) A racing official will rely on the following characteristics to verify a horse's identity:

- (a) Lip or freeze tattoo numbers.
- (b) Unique microchip.
- (c) Photographs of night eyes.
- (d) Color.
- (e) Markings.
- (f) Size.
- (g) Gait.
- (h) Any combination of the factors listed in this subrule. If submitted, an electronic eligibility issued by the United States Trotting Association may be considered as an aid to proper identification.

(3) A horse that has not been tattooed or microchipped shall not start in a race. Any licensee refusing to allow a horse to be tattooed or microchipped by a United States Trotting Association representative may be subject to disciplinary action.

R 431.4090 Horse eligibility certification.

Rule 4090. (1) A horse shall not be permitted to start any race unless current electronic eligibility at the proper gait is obtained.

(2) The stewards may permit a horse to start without current electronic eligibility being recorded if they are satisfied that both of the following requirements have been met:

- (a) The issuance of the electronic eligibility for the horse is verified.

- (b) The eligibility of the horse to the race is established.
- (3) Applications for United States Trotting Association electronic eligibility shall state name and address of the owner and the sex, age, and breeding of the horse and shall be accompanied by such other information, membership application, and fees as required by the United States Trotting Association.
- (4) Any horse on lease shall race in the name of the lessee. An electronic eligibility shall not be issued to a horse under lease unless a copy of the lease is filed with the United States Trotting Association. The names of both the owner and the lessee shall be noted on the electronic eligibility of leased horses.
- (5) If the electronic eligibility is not endorsed to him or her, the new owner or lessee shall apply for an electronic eligibility, pay the regular fee, and send satisfactory information on the starts made by the horse during the current year, which will include all pari-mutuel races, fair races, qualifying races, and matinee races.
- (6) A person who enters a chart line on an electronic eligibility when the race has not been charted by a licensed charter or who in any way tampers with an electronic eligibility may be subject to disciplinary action.
- (7) Corrections on electronic eligibility may be made only by a representative of the United States Trotting Association or a racing official, who shall place on the electronic eligibility his or her initial and the date of correction.

R 431.4095 Electronic eligibility for foreign horses.

Rule 4095. An electronic eligibility shall not be recognized on a horse coming from a foreign country other than Canada unless all of the following information, certified by the trotting association or governing body of that foreign country from which the horse comes, is furnished:

- (a) The number of starts during the preceding year, together with the number of firsts, seconds, and thirds for each horse, and the total amount of money won during this period.
- (b) The number of races in which the horse has started during the current year, together with the number of firsts, seconds, and thirds for each horse, and the money won during this period.
- (c) A detailed list of the last 6 starts which provides all of the following information pertaining to each start:
 - (i) The date.
 - (ii) Place.
 - (iii) Track.
 - (iv) Race course condition.
 - (v) Post position or handicap, if it was a handicap race.
 - (vi) Distance of the race.
 - (vii) Position at the finish.
 - (viii) The time of the race.
 - (ix) The driver's name.
 - (x) The first 3 horses in the race.

R 431.4100 Horse eligibility restrictions.

Rule 4100. (1) If United States Trotting Association registration is properly applied for, a horse may be permitted to race during the current year with an electronic eligibility marked "registration applied for."

(2) A horse under the age of 2 or over the age of 14 shall not be permitted to race at a race meeting licensed by the executive director.

(3) A licensee withholding a registration certificate from the owner or lessee of a horse, after notification by the stewards has been made for the return thereof, may be suspended until the certificate is returned.

(4) A horse that is owned wholly or in part by, or is trained by, an ineligible or associated person is prohibited from racing.

R 431.4105 Racing eligibility; conflicting published conditions; standards to determine horse qualification in overnight races; condition books at extended pari-mutuel meetings.

Rule 4105. (1) For purposes of eligibility, a race season or a racing year shall be the calendar year. In recording winnings, gross winnings must be used and odd cents must be dropped and disregarded.

(2) Time records or bars shall not be used as an element of eligibility.

(3) Horses shall be eligible when entries close.

(4) If there are conflicting published conditions and neither is withdrawn by the track, the published conditions more favorable to the nominator shall govern.

(5) The racing secretary shall prescribe standards to determine whether a horse is qualified to race in overnight races at a race meeting. Where time standards are established at a race meeting for both trotters and pacers, trotters shall be given a minimum of a 2-second allowance in relation to pacers.

(6) At extended pari-mutuel meetings, condition books and sheets shall be prepared, and races may be divided or substituted races may be used only where regularly scheduled races fail to fill. Condition sheets or books containing not less than 1 week of a racing program shall be available to horsemen not less than 24 hours before closing on any race program contained therein. The racing secretary shall forward copies of each condition book and overnight sheet to the United States Trotting Association as soon as they are available to the horsemen.

(7) Any race conducted under a race meeting license where pari-mutuel wagering is offered shall be considered extended pari-mutuel for the purpose of eligibility.

R 431.4110 Types of races.

Rule 4110. (1) In presenting a program of racing, the racing secretary shall use exclusively the following types of races:

(a) Stakes and futurities.

(b) Early closing and late closing races.

(c) Conditioned races.

(d) Claiming races.

(e) Preferred races limited to the fastest horses at the race meeting. These may be free-for-all races, junior free-for-all races, open races, preferred races, or invitationals. Horses to be used in the races shall be posted in the racing office. Horses so posted shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the preferred list.

(2) A 2-year-old or 3-year-old horse is not eligible to be placed on the preferred or invitational list to race against older horses until it has won 7 races, unless requested by the owner or authorized agent. The owner or authorized agent may withdraw the request at his or her discretion. Where a race meeting is in progress in December and continues in January of the subsequent year, races and earnings won at that race meeting may be computed in determining whether a horse may be placed on the preferred list.

(3) Classified races are permitted when authorized by the executive director.

(4) Conditions shall not be written in a way that any horse is deprived of an opportunity to race in the normal preference cycle. Where the word "preferred" is used in a condition, it shall not supersede the date preference. Not more than 3 also-eligible conditions shall be used in writing the conditions for any overnight race.

(5) Any dash or any heat shall be considered as a separate race for the purposes of conditioned racing.

(6) Named races are not permitted, except for preferred races for the fastest horses at a race meeting as set forth in subrule (1)(e) of this rule.

(7) Substitute races may be provided for each day's program and shall be so designated. Entries in races not filling shall be posted. A substitute race or a race divided into 2 divisions shall be used only if regularly scheduled races fail to fill.

(8) A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from horses available and qualified to race.

(9) The term "start," in any type of condition, unless specifically so stated means only those performances in a purse race.

R 431.4115 Drawings; posting of horses.

Rule 4115. (1) For all overnight races, starters and also-eligibles shall be drawn by lot from those properly declared in. When conditions have not been filled, the racing secretary may split races to fill a card. Where necessary to fill a card, not more than 2 conditioned races per day may be divided into divisions after preference has been applied. The divisions may be selected by the racing secretary. For all other overnight races that are divided, the division shall be by lot unless the conditions provide for a division based on performance, earnings, or sex.

(2) The names of all horses on the grounds whose electronic eligibility are recorded and are ready to race shall be posted by gait in the racing office, together with all the pertinent information concerning the horses which may be required to determine the eligibility of the horses to conditioned races offered at the race meeting. There shall be a separate posting of 2-, 3-, and 4-year-olds.

R 431.4125 Claiming; eligibility.

Rule 4125. (1) In a claiming race, a horse is subject to claim for its entered price, after allowances, by a legal entity in good standing who is currently licensed as an owner in this state. An owner may claim out of his or her initial race.

(2) A legal entity that decides to make a claim and that otherwise is not eligible as set forth in these rules may do so, after filing proper license application, and by complying with all of the following provisions:

(a) Depositing an amount not less than the minimum claiming price at the race meeting, plus the requisite transfer fees, with the horsemen's bookkeeper. The amount shall remain on account until a claim is in fact made or permission to claim has expired. If withdrawal of the amount occurs, any permit issued pursuant to this rule is automatically revoked and terminated.

(b) Sending to the stewards the written name of a trainer whose Michigan license is currently in full force and effect and who will represent the legal entity that desires to make a claim once the claim is made.

(c) Securing from the stewards a written claiming permit which is in full force and effect when a claim is made by the legal entity or a trainer or authorized agent representing the legal entity.

(3) Before issuing a claiming permit, the stewards shall determine that an individual qualifies for an occupational license and permit by the standards of occupational license. A claiming permit shall take effect upon issue and shall not be valid for more than 30 days.

R 431.4130 Claiming; prohibitions.

Rule 4130. (1) A person shall not claim his or her own horse and shall not claim a horse trained or driven by him or her.

(2) A qualified owner or his or her agent shall not claim a horse for another person.

(3) An owner shall not cause his or her horse to be claimed, directly or indirectly, for his or her own account.

(4) A person shall not offer, or enter into an agreement, to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race.

(5) A person shall not enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder thereof is filed with the clerk of the course and the association conducting the claiming race.

(6) An entry in a claiming race which has been declared for a subsequent race, if claimed, may be withdrawn from the subsequent race without penalty.

(7) A mare known to be in foal shall not be declared into a claiming race.

(8) A person shall not claim more than 1 horse from any 1 race. No authorized agent shall submit more than 1 claim for the same horse in a race, even if the authorized agent represents several owners. When a stable consists of horses owned by more than 1 person and trained by the same trainer, not more than 1 claim may be entered on behalf of the stable in any 1 race.

R 431.4135 Claiming; procedure.

Rule 4135. (1) To claim, an owner shall have, to his or her credit with the track giving the race, an amount equivalent to the specified claiming price plus the requisite fees for transfer of registration.

(2) A declaration into a claiming race shall not be accepted unless written permission of the owner is filed with the racing secretary at the time of declaration.

(3) The basic claiming price for which each horse is entered shall be printed on the program, but all claims shall be for the adjusted price after the prescribed allowances made for sex or age have been added to the basic claiming price.

(4) All claims shall be in writing on a form approved by the executive director, and presented to the clerk of the course not less than 15 minutes before the time scheduled for the race to begin.

(5) An official or other employee of an association shall not give any information on claims filed until after the race except as is necessary for processing of the claim. Immediately after the race, the claims, if any, shall be examined by the stewards.

(6) A claimed horse must be taken to the detention barn for post-race drug testing and remains under control of the original trainer until the horse is released from the detention barn. The claimant shall present written authorization for the claim from the racing secretary.

(7) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(8) A claim is irrevocable except as allowed under these rules. If more than 1 valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of 1 or more of the stewards. Claimants shall be allowed to inspect claim forms apparatus used in the drawing of lot and be present for the draw.

R 431.4140 Claiming; title transfer.

Rule 4140. (1) A horse claimed shall race in all heats or dashes of the race in the interest and for the account of the owner who declared it in the race, but title to the claimed horse shall be vested in the successful claimant from the time when the word "go" is given in the first heat or dash except as provided in these rules.

(2) The stewards shall require a person making a claim for a horse to file an affidavit that he or she is claiming the horse for his or her own account or as authorized agent and not for any other person. Any person who files a false affidavit shall be subjected to disciplinary action.

(3) A claimed horse shall not be sold or transferred, wholly or in part, to anyone within 30 days after the day it was claimed, except in another claiming race.

(4) If a horse in a claiming race is scratched by the stewards for any reason, including being declared a non-starter, any claims on that horse are void. However, that horse in its next start, regardless of the condition of the race entered, may be claimed for the same price as the race from which it was scratched. This subrule applies from the date of the scratch or declaration of a non-starter until the last day of the

final harness race meeting licensed by the executive director that year. This subrule does not include horses scratched due to entry error or ineligibility, which is verified by the race office in writing. Any horse scratched from a claiming race and taken out of state to race shall upon its return to Michigan be bound by this subrule within the same year.

(5) If the analysis of a post-race blood or urine sample taken from a claimed horse results in a post-race positive test for an ARCI class 1 drug, the claimant's trainer shall be promptly notified by the stewards and the claimant shall have the option to void the claim within 3 days of the notice by the claimant's trainer. An election to void a claim shall be submitted in writing to the stewards by the claimant or the claimant's trainer. If the claim is voided, the horse shall be returned to the owner of the horse who subjected the horse to claiming in the race from which the positive test resulted.

(6) If a horse is claimed, a blood sample may be taken by a licensed veterinarian to be tested for equine infectious anemia. The sample shall be forwarded within 24 hours to an approved laboratory. Pending the receipt of a negative test for equine infectious anemia, the money paid for the claimed horse shall be held by the association. If the test is positive for equine infectious anemia, the ownership of the claimed horse shall revert to the owner from whom the horse was claimed, and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by the claimant.

(7) A claimed horse is not eligible to race in any other jurisdiction other than Michigan for a period of 30 days from the date of claim or until after the close of the live race meeting at which it was claimed, whichever period of time is the less.

(8) The stewards shall be the judges of the validity of a claim.

(9) A claim not filled out completely or that does not accurately identify the claim renders the claim void.

(10) Notwithstanding any incorrect designation of sex or age appearing in the racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.

(11) A person shall not enter a horse in a claiming race without disclosing the horse's true ownership. When a horse is claimed, the change of ownership of a horse entered in a claiming race by someone who does not have undisputed possession of the horse shall not be considered after closing time for claims of that race.

R 431.4145 Claiming; price; conditions.

Rule 4145. (1) Subject to the approval of the stewards and compliance with the association's release of funds policy, the association will pay the claiming price to the owner of the horse that was claimed when the registration certificate or transfer of claim is delivered.

(2) Aside from the claiming price, conditions and allowances in claiming races may be based only on age and sex. When possible, claiming races shall be written to separate horses 5 years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a price allowance if there is no price allowance given to a spayed mare racing in a claiming race.

(3) A horse owner shall not be prohibited from determining the price for which his or her horse shall be entered.

(4) If the stewards determine that the declaration of any horse to a claiming race is fraudulent on the part of the declarer, they may void the claim and may, at the option of the claimant, order the horse returned to the person declaring it in. If the stewards determine that any claim of a horse is fraudulent on the part of the person making the claim, they may void the claim and may, at the option of the person declaring it in, return the horse to the person declaring it in.

(5) claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed shall be on file at the racing office. To

facilitate transfer of claimed horses, a steward may sign the transfer if the steward then sends the registration certificate and claiming authorization to the registrar for transfer.

R 431.4150 Stakes and futurities.

Rule 4150. (1) An association presenting stakes and futurities shall, in addition to meeting United States Trotting Association notification requirements, set the nominating date and the dates for all sustaining payments on the fifteenth day of the month. There shall be no payments on yearlings, except for a nomination payment, which shall be due not later than August 15. Before taking any sustaining payment during the year the race is to be held, the date and place of the race shall be stated. A stake or futurity sustaining fee on 2-year-olds is not due before March 15, and for all other ages before February 15, of any year. There shall be no conditions that call for payments in stakes or futurities to become due after August 15 and before February 15 of the following year. No more than 1 sustaining payment of 2-year-olds in stakes and futurities that do not have a 2-year-old division is permitted. No more than 2 sustaining payments on any horse of any age in any calendar year, with the exception of the starting fee, shall be approved. The date for closing of nominations of yearlings to stakes shall be July 15.

(2) An association shall, where date schedules permit, advertise the week and place the stake or futurity will be held before taking nominations.

(3) An estimated purse shall not be advertised or published in excess of the actual purse paid or distributed during the previous year, unless increased by guaranteed added money. A stake or futurity shall not be raced for less than 75% of the average estimated purse.

(4) Conditions shall not be written so as to provide for a filly division of a race with less added money than the colt division of a race, unless authorized by the executive director.

(5) Added money shall be not less than 30% of the purse. If a stake or futurity is split into divisions, the added money for each division shall be not less than 20% of all nomination, sustaining, and starting fees paid into the stake or futurity.

(6) Failure to make any payment required by the conditions constitutes an automatic withdrawal from the race.

(7) If a mare nominated to a futurity fails to have a live foal, the nominator may substitute a foal if the conditions so provide.

(8) A deduction, voluntary or involuntary, shall not be made from any purse or stake or futurity, except that, if the conditions specifically so provide, reasonable deductions may be made for clerical, printing, postage, and surety bond expenses specifically related to the purse, stake, or futurity.

(9) Unless otherwise specified in the conditions of a stake or futurity, the money division shall be as follows:

- (a) Five or more starters: 50-25-12-8-5%.
- (b) Four starters only: 50-25-15-10%.
- (c) Three starters only: 60-30-10%.
- (d) Two starters only: 65-35%.

R 431.4155 Entries or declarations for stakes and futurities.

Rule 4155. (1) An entry or declaration shall comply with all of the following provisions:

- (a) Be made by any means established by the association, including telephone, electronic, or on paper in the entry box.
- (b) List all of the following information:
 - (i) The names of the owner or authorized agent, trainer, and the registered stable name or lessee.
 - (ii) The name, color, sex, sire, and dam of the horse.
 - (iii) The race or races in which the horse is to be entered.
 - (iv) The identity of the driver.

(2) A starting fee shall be due and payable with the declaration to start and shall not be refunded if the horse fails to start, unless the horse dies between the time of declaration to start and the start of the race. As used in this rule “starting fee” means the payment required with the declaration to start.

(3) Noncompliance with any of the requirements of subrules (1) and (2) of this rule or the false stating of facts for the purpose of deception subjects a person filing the entry to disciplinary action.

(4) Nominations and sustaining payments not actually received at the hour of closing shall be ineligible, except for those sent by letter bearing a postmark not later than the following day, excluding Sunday, or those sent electronically at or before the hour of closing and stating the color, sex, name of horse, the class to be entered, the name and residence of the owner, and the person making the nomination or sustaining payment. When a nomination or sustaining payment in a stake, futurity, early closing race, or late closing race becomes payable on a Sunday or legal holiday that falls on Saturday, the payment is to be due on the following Monday, and, if made by mail, the envelope shall be postmarked on or before the following Tuesday. If a payment falls on a Monday that is a legal holiday, the payment is due on Tuesday, and, if made by mail, shall be postmarked on or before the following Wednesday. The provisions of this section do not apply to declarations to start.

(5) Where an entry is received by letter bearing the postage meter date without any postmark placed thereon by the post office department, the postage meter date shall be considered to be a postmark for the purposes of this rule if the letter is actually received within 7 days following the closing date of the race. Receipt after this time of an entry by letter bearing the metered postmark date is not a valid entry or payment to any race. The meter date shall conform to the postmarked date as set forth in this subrule to be valid.

(6) Entries and payments not governed by published conditions are void. Any nominator who is allowed privileges which are not in accordance with the published conditions of the race or which are in conflict with these rules shall be barred from winning any portion of the purse, and the nominator and any person who allowed the privileges shall be considered to have been parties to fraud.

(7) A nominator is required to guarantee the identity and eligibility of his or her nominations and declarations, and, if given incorrectly, the nominator may be subject to disciplinary action and any winnings shall be forfeited and redistributed to eligible entries. A person obtaining a purse or money through fraud or error shall surrender the purse or money or, together with the parties implicated in the incident and the horse or horses, shall be suspended until the demand is complied with. However, where any horse is ineligible as a result of the negligence of the racing secretary, the track shall reimburse the owner for the resultant loss of winnings.

(8) A horse entered in a race to which it is ineligible may be transferred to any race to which it is eligible at the same gait.

(9) Associations presenting early closing and late closing races shall state the place and day the race will be held. A change in date, program, races, or conditions cannot be made after the nominations have been taken without the written consent of the owners or trainers of all horses eligible at the time the conditions are changed. All nominations and payments, other than starting fees, in early closing races shall be advertised to fall on the fifteenth day of the month. If the race does not fill, each nominator shall be notified within 10 days and a refund of the nomination fees shall accompany the notice. If conditions published for early closing race allow a transfer for change of gait, the transfer shall be to the slowest class the horse is eligible for at the adopted gait, eligibility to be determined at the time of closing of entries. The race to which a transfer may be made shall be the race nearest the date of the race originally entered. Two-year-olds, 3-year-olds, or 4-year-olds entered in classes for their age may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the race originally entered, with entry fees to be adjusted. A complete list of nominations to any early closing race shall be published within 45 days after the closing date or after the date of the last sustaining payment. The list shall be mailed to the owners or authorized agents of all eligible horses.

(10) Conditions of early closing races or late closing races that will eliminate horses nominated to a race or add horses that have not been nominated to a race by reason of the performance of the horses at an earlier meeting held the same season are invalid. Early closing races and late closing races shall have not more than 2 also-eligible conditions.

(11) In early closing races, late closing races, and overnight races requiring entry fees, all money paid in by the nominators in excess of 85% of the advertised purse shall be added to the advertised purse, and the total shall then be considered to be the minimum purse. If the race is split and raced in divisions, the provisions of R 431.4160(5) apply.

R 431.4160 Entries and starters required.

Rule 4160. (1) An association shall specify how many entries are required for overnight races. After the condition is fulfilled, the race shall be held.

(2) In early closing races or late closing races, if 5 or more interests are declared in to start, the race shall be held. Stakes and futurities shall be raced if 1 or more horses are declared in to start.

(3) In an early closing race, if less interests are declared in than are required to start, and if all declarers are immediately so notified, the interests declared in and ready to race shall be entitled to all the entrance money and any forfeits for each horse named.

(4) In all racing events, not more than one trailer shall be permitted, regardless of the size of the track except with the approval of the executive director. At least 8 feet per horse must be provided to the starters in the front tier. Trailers are not permitted where the race course has room to score all horses abreast.

(5) The following apply to added money races:

(a) If more horses are declared to start than allowed in one field, the race will be conducted in divisions or eliminations, as specified in the conditions.

(b) Where a race other than a stake or futurity is divided, each division must race for not less than 75 percent of the advertised purse.

(c) In added money races conducted in eliminations, starters shall be divided by lot. Unless conditions provide otherwise, 60 percent of the total purse must be divided equally among the elimination heats. The final heat must be contested for 40 percent of the total purse. Elimination heats and the final heat must not be raced on the same day except with the approval of the executive director. The winner of the final heat is the winner of the race.

(d) Unless the conditions for the added money race provide otherwise, the stewards shall draw the post positions for the final heat in elimination races by lot.

R 431.4165 Rescinded.

R 431.4170 Declaration to start; drawing.

Rule 4170. (1) Unless otherwise specified in the conditions, the declaration time is at the discretion of the stewards.

(2) A horse shall not be permitted to enter in more than 1 race on any 1 racing day. Races decided by more than 1 heat are considered a single race.

(3) To avoid confusion and misunderstanding, the time when declarations close is considered to be local time at the track where the race is being held.

(4) The association shall provide a locked box with an aperture through which declarations may be deposited. The entry box shall be in the charge of the stewards. Just before opening the box at meetings where futurities, stakes, early closing races, or late closing races are on the program, the steward present shall check with the racing secretary to ascertain if any declarations made by mail, or otherwise are in

the race office and not deposited in the entry box, and the steward shall see that they are declared and drawn in the proper race.

(5) The entry box shall be opened at the advertised time by the steward and, if present, an official representative of the horsemen's organization. An owner or authorized agent for a horse with a declaration in the entry box shall not be denied the privilege of being present.

(6) Under the supervision of the steward, the entry box shall be unlocked, declarations found therein shall be sorted and listed, the eligibility verified, preference ascertained, starters selected, and post positions drawn. If it is necessary to reopen any race, a public announcement shall be made at least twice and the box reopened. A daily record shall be kept in the stewards' book showing the name of the steward who performed the functions specified in this subrule.

(7) In races with a duration of more than 1 dash or heat, the stewards may draw post positions from the stand for succeeding dashes or heats.

(8) Declarations made by any means established by the association, including telephone, electronic, or on paper in the entry box, and which are actually received and for which evidence thereof is deposited in the box before the time specified to declare in shall be drawn in the same manner as other declarations. The drawings are final. Mail, telephone, or electronic declarations shall state all of the following information:

(a) The name and address of the owner or lessee.

(b) The name, color, sex, sire, and dam of the horse.

(c) The name of the driver and his or her colors.

(d) The date and place of the last start.

(e) A current summary, including the number of starts, firsts, seconds, thirds, earnings, and the best winning time for the current year.

(f) The race or races in which the horse is to be entered.

(9) When an association requires a horse to be declared at a stated time, failure to declare as required is considered a withdrawal from the race.

(10) After declaration to start has been made, a horse shall not be withdrawn, except by permission of the stewards. Persons violating this subrule are subject to disciplinary action.

(11) If a person making the declaration fails to honor it and there is no opportunity for a hearing by the stewards, the matter shall be referred to the executive director.

(12) Drawings are final unless there is conclusive evidence that a horse properly declared was omitted from the race through the error of an association or its agent or employee, in which event the horse shall be added to the race and shall take the place of an ineligible horse, considering preference, if the error is discovered before either scratch time or the printing of the program, whichever is sooner. In claiming handicap races, a horse moving into the race must be placed on the outside of the horses of that base claiming price. However, in the case of early closers of more than \$10,000.00, a stake, a handicap, and futurity races, the race shall be redrawn.

(13) When drawing post positions for handicapped races on a ½ mile race course, 1-2-3-9 are considered inside post positions.

R 431.4175 Qualifying races.

Rule 4175. At all race meetings, entries cannot be accepted without at least 1 satisfactory current charted line on the electronic eligibility. When an association determines a race will be nonbetting, entries may be accepted on a horse without a current charted line. Declarations for overnight races shall be governed by the following qualifier provisions:

(a) The association, in conjunction with the horsemen's association, shall establish the qualifying standards for a race meeting. Horses unable to show a performance to qualify for races at the race meeting may be placed on the stewards' list, but this action shall not be recorded on electronic eligibility.

Placing a horse on the stewards' list does not affect its right to compete in a stake, futurity, early closing race, or late closing race, unless the horse is placed on the list for unmanageability or dangerousness.

(b) To provide complete and accurate chart information on time and beaten lengths, a standard photo finish shall be in use.

(c) When a horse has raced at a charted meeting during the current season and then gone to meetings where the races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated. The consolidated line shall carry all of the following information if the race is not at 1 mile:

- (i) Date.
- (ii) Place.
- (iii) Time.
- (iv) Driver.
- (v) Finish.
- (vi) Race course condition.
- (vii) Distance.

(d) The stewards may require any horse that has been on the stewards' list to race in a qualifying race. If a horse has raced an individual time not meeting the qualifying standard for that class of horse, the horse shall be required to race in a qualifying race, except as provided in subdivision (a) of this rule. A horse placed on the list for choking or bleeding during a race shall requalify.

(e) The stewards may permit a horse to qualify by means of a timed workout.

(f) The identifier shall fully examine a horse starting in a qualifying race or official workout.

(g) Qualifying races shall be scheduled at least once a week during live racing including the week before the opening day of the meet. The number of qualifying races per day may be limited by the stewards.

(h) Horses in qualifying races may be subject to specimen collection and testing.

(i) Qualifying races must be recorded by the association.

(j) Qualifying races cancelled due to weather may be carried over to the following day. Alternative scheduling or the decision not to reschedule the cancelled qualifying races may be authorized by the stewards.

R 431.4180 Mutuel entries; common ties.

Rule 4180. (1) Not more than 2 horses that have common ties so as to be joined as a mutuel entry shall be entered in an overnight race. A preference for 1 of the horses shall be made when making a double entry. Two horses that have common ties by trainer only or those joined as a mutuel entry shall not both start in a race to the exclusion of a single interest.

(2) In races with a purse value of \$20,000 or more, horses with common ownership may race as separate betting interests. Horses that are trained or owned by the same person shall be indicated prominently in the program.

(3) Horses having common ties through training only, but which have separate and distinct ownership, may be uncoupled and run in a race as separate betting interests when approved by the stewards.

(4) If the race is split into 2 or more divisions, horses in an entry shall be seeded, insofar as possible, first by owners, then by trainers, and then by stables, but the divisions in which they compete and their post positions shall be drawn by lot. This subrule shall also apply to elimination heats.

(5) In addition to the provisions of subrules (1) to (3) of this rule, horses separately owned or trained may be coupled as an entry when approved by the stewards where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. However, where this is done, entries shall not be rejected.

R 431.4185 Also-eligibles.

Rule 4185. (1) Not more than 2 horses may be drawn as also-eligibles for a race. If 1 or more horses are excused by the stewards, the also-eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races.

(2) In handicap races, the also-eligible horse shall take the place of the horse that it replaces if the handicap is the same. If the handicap is different, the also-eligible horse shall take the position on the outside of horses with a similar handicap.

(3) A horse shall not be added to a race as an eligible unless the horse was drawn as such at the time declarations closed. A horse shall not be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also-eligible.

(4) A horse moved into the race from the also-eligible list cannot be drawn except by permission of the stewards, but the owner or trainer of the a horse shall be notified that the horse is to race and it shall be posted at the race office. All horses which are on the also-eligible list and which are not moved in to race by 9 a.m. on the day preceding the day of the race shall be released.

R 431.4190 Preference.

Rule 4190. (1) Preference shall be given in all overnight races according to a horse's last previous purse race. If 2 or more horses have the same preference date, then a second preference date shall be used. If 2 or more horses have the same first and second preference dates, then the entry must be determined by lot. The preference date on a horse that has drawn to race and been scratched is the date of the race from which the horse was scratched.

(2) When a horse is racing for its first lifetime start, the date of the first successful qualifying race shall be considered its preference date. However, if an overnight race has been reopened because it did not fill, all eligible horses declared in to the race before the reopening shall receive preference over horses subsequently declared, irrespective of the actual preference dates.

R 431.4195 Stewards' list.

Rule 4195. (1) A horse that is unfit to race because it is dangerous, unmanageable, unable to show a performance to qualify at the race meeting, or otherwise unfit to race at the race meeting may be placed on a stewards' list by the stewards, and declarations on the horse shall be refused. The owner or trainer shall be notified of the action, and the reason for refusing declaration shall be clearly stated on the notice.

(2) When any horse is placed on the stewards' list, the clerk of the course shall make a note on the electronic eligibility of the horse, showing the date the horse was put on the stewards' list, the reason therefor, and the date of removal if the horse has been removed. Horses shall be released from the stewards list by the clerk of the course on the recommendation of the stewards.

R 431.4200 Naming drivers.

Rule 4200. Declarations shall state who shall drive the horse. Drivers may be changed until a time specified by the stewards. After such time a driver shall not be changed without permission of the stewards. The stewards shall approve or disapprove the second and third drivers. The trainer shall ensure availability of the driver named.

R 431.4205 Rescinded.

R 431.4210 Starting.

Rule 4210. (1) The official starter shall have control of the horses from the formation of the parade until he or she gives the word "go".

(2) The official starter shall notify the drivers when to come to the starting gate. During or before the parade, the drivers shall be informed as to the number of scores permitted.

(3) The horses shall be brought to the starting gate as near a quarter of a mile before the starting line as the race course will permit.

(4) Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds shall be maintained:

(a) For the first 1/8 mile, not less than 11 miles per hour.

(b) For the next 1/16 of a mile, not less than 18 miles per hour.

(c) From the point specified in subdivision (b) of this subrule to the starting point, the speed shall be gradually increased to maximum speed.

(5) On mile race courses, horses shall be brought to the starting gate at the head of the stretch and the relative speeds mentioned in subrule (4) of this rule shall be maintained.

(6) The starting point shall be a distance of not less than 200 feet from the first turn. The official starter shall give the word “go” at the starting point.

(7) When a particular speed has been reached in the course of a start, the speed shall not be decreased, except in the case of a recall.

R 431.4215 Recall; notice.

Rule 4215. (1) Before giving the word “go,” the official starter shall endeavor to get all horses away in position and on gait.

(2) The official starter may, at any time before the word “go” is given, order a recall for 1 of the following reasons:

(a) A horse scores ahead of the starting gate.

(b) There is interference before the word “go” is given.

(c) A horse has broken equipment, which the official starter notices.

(d) A horse falls before the word “go” is given.

(e) A horse refuses to turn or come to the gate.

(3) In case of a recall, a light which is plainly visible to the driver shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses. Where possible, the official starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the official starter shall use his or her discretion to close the wings of the gate.

(4) There shall be no recall for a breaking horse.

(5) There shall be no recall after the word “go” has been given, and any horse, regardless of its position or occurrence of an accident, is considered a starter from the formation of the parade, unless dismissed by the official starter.

(6) If any of the reasons noted in subrule (2) of this rule occurs and the official starter fails to sound a recall, for whatever reason, then the offending horse or horses may be considered by the stewards to have had an unfair start and may be disqualified from the race. Wagers on the disqualified horse or horses shall be refunded.

(7) If a second recall is sounded for the same horse or horses for any occurrences noted in subrule (2) of this rule in the same race, that horse or those horses shall be ordered dismissed and wagers on that horse or those horses shall be refunded.

(8) Any horse scratched because of causing 2 recalls shall have to re-qualify 2 consecutive times and must be schooled behind the starting gate.

R 431.4220 Penalties to drivers.

Rule 4220. The official starter may recommend to the stewards that a driver be penalized for any of the following reasons:

- (a) Delaying the start.
- (b) Failure to obey the official starter's instruction.
- (c) Rushing ahead of the inside or outside wing of the gate.
- (d) Coming to the starting gate out of position.
- (e) Crossing over before reaching the starting point.
- (f) Interference with another driver during the start.
- (g) Failure to come up into position and on the gate.

R 431.4225 Gate restrictions.

Rule 4225. (1) A person, other than the official starter, his or her assistant, and a patrol judge, shall not be allowed to ride in the starting gate unless permission has been granted by the stewards.

(2) Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall not be higher than is necessary to carry the voice of the official starter to the drivers.

(3) If there are 2 tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. When a horse is drawn from any tier, horses on the outside shall move in to fill up the vacancy. When a horse has drawn a post position in the second tier, the driver of the horse may elect to score out behind any horse in the first tier if he or she does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position.

R 431.4230 Starting without gates.

Rule 4230. (1) An association shall provide a backup starting gate. In the event of an extraordinary occurrence, however, horses may be started without a gate.

(2) When horses are started without a gate, the official starter shall have control of the horses from the formation of the parade until he or she gives the word "go". The official starter shall be located at the wire or other point on the race course from which the word "go" shall be given. A driver shall not cause unnecessary delay after the horses are called.

(3) The driver of any horse refusing or failing to follow instructions of the official starter as to the parade or scoring ahead of the pole horse may be set down for the heat in which the offense occurs or for another period as the official starter shall recommend and may be subject to disciplinary action. When a driver is taken down, the substitute shall be permitted to score the horse once. A horse delaying the race may be started regardless of its position or gait, and there shall not be a recall on account of a bad actor.

(4) If the word "go" is not given, all the horses in the race shall immediately turn at the tap of the bell or other signal and shall jog back to their parade positions for a fresh start. There shall be no recall after the word "go" has been given.

R 431.4240 Unmanageable horses.

Rule 4240. If, in the opinion of the stewards or the official starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be scratched. When this action is taken by the official starter, the stewards must be notified and the stewards must notify the public. When this action is taken by the stewards, the stewards must notify the official starter and the stewards must notify the public.

R 431.4255 Drivers; licensing.

Rule 4255. (1) A person who desires to drive a harness horse at a race meeting licensed by the executive director is required to obtain a license from the executive director, upon the recommendation of the stewards, whether or not the person possesses any other license.

(2) Every applicant for a driver's license shall satisfy the stewards in a manner prescribed by the stewards, that he or she meets all of the following qualifications:

- (a) Has had at least 1 year's training experience and has demonstrated the ability to drive.
- (b) Is physically and mentally competent to drive.
- (c) Is knowledgeable of, and conversant in, the training and driving of harness horses.
- (d) Is familiar with the rules of racing.
- (e) Has a minimum of 20/40 corrected vision in both eyes or, if the individual is blind in 1 eye, not less than 20/30 corrected vision in the other eye, as certified by a licensed optometrist, oculist, or ophthalmologist.
- (f) Is not less than 16 years of age.
- (g) Is the holder of a currently valid A (full), V (probationary), P (provisional) or Q (qualifier) license issued by the United States Trotting Association, or comparable licensing issued by Standardbred Canada.

(3) Proper licensing notwithstanding, the stewards at any race meeting may refuse to permit any driver to compete in a race if, in their judgment, he or she is unfit, unqualified, or too inexperienced to drive. The driver may be required to submit to a physical examination under conditions specified by the stewards.

(4) A person aspiring to become a driver may, after successfully completing a written exam administered by the United States Trotting Association or Standardbred Canada, apply for licensing to drive in qualifying races and nonbetting races only. Persons granted Q licenses shall be not less than 16 years of age and have the approval of the stewards. All persons driving in races on a track licensed by the executive director shall do so under the scrutiny of the stewards and, where instituted, a horsemen's advisory committee, which shall present its observations to the stewards in writing. To aid in making a determination on the ability and qualifications of the holder of a Q license, the stewards may require the driver to go a rated mile, with the times for the mile and the quarters thereof to be declared beforehand by the driver. The holder of a Q license shall perform not less than 12 satisfactory qualifying drives before being advanced to a P license.

(5) A driver holding a P license shall not be considered for advancement to an A license by the stewards until he or she has qualified pursuant to 1 of the following provisions:

- (a) Had at least 1 year's driving experience while holding a P license, plus 25 satisfactory pari-mutuel starts in the calendar year before application.
- (b) Had less than 1 year's driving experience while holding a P license, but had not less than 50 satisfactory pari-mutuel starts and the written approval from the stewards at a recognized meet.
- (c) Made 25 satisfactory starts at pari-mutuel or grand circuit meetings in the 2 calendar years preceding the date of application if he or she has had not less than 50 satisfactory fair starts.

(6) A driver who presently holds a license and wishes to obtain a license in a higher category and who has not previously submitted to a written test may be required to take a written test before becoming eligible to obtain a license in a higher category.

(7) Repeated rule violations are grounds for refusal to grant, or grounds for revocation of, any driver's license.

R 431.4260 Driver restrictions.

Rule 4260. (1) A person who is 60 years of age or older and who has never previously held any type of driver's license shall not be issued a driver's license.

(2) An applicant for a driver's license who is 65 years of age or over may be required to submit annually, together with his or her application for a driver's license, a report of a physical examination. An applicant who has previously held any type of driver's license shall not be subsequently denied a driver's license solely on the basis of age.

(3) If a person is involved in an accident on the race course, the stewards may order the person to submit to a physical examination, and the examination shall be completed before the person drives again.

(4) The following conduct is disorderly and shall subject a driver to disciplinary action:

(a) Failure to obey the stewards' orders.

(b) Failure to drive when programmed, unless excused by the stewards.

(c) Drinking intoxicating beverages within 4 hours of the first post time of the program on which the driver is carded to drive.

(d) Appearing in the paddock in an unfit condition to drive.

(e) Fighting.

(f) Assaults.

(g) Offensive and profane language.

(h) Smoking on the track wearing colors during actual racing hours.

(i) Warming up a horse before racing without wearing colors.

(j) Disturbing the peace.

(k) Refusal to take a breathalyzer test when directed by the stewards.

(l) Using abusive language when addressing, or showing disrespect toward, a racing official or representative of the office of executive director.

(m) Fraternizing with other drivers or patrons during the post parade or warm-ups.

(5) Drivers shall wear distinguishing colors and clean white pants, and shall not be allowed to start in a race or other public performance unless, in the opinion of the stewards, they are properly dressed. A driver shall not drive during the time when colors are required on a race course unless he or she is wearing an approved safety vest and an approved protective helmet with chin strap in place.

(6) A driver wearing colors who appears at a betting window, a bar, or a restaurant dispensing alcoholic beverages may be subject to disciplinary action.

(7) A driver shall not, without good and sufficient reason, decline to be substituted by stewards. Any driver who refuses to be so substituted is subject to disciplinary action.

(8) A driver holding a full license or a driver with a probationary license shall register his or her colors with the United States Trotting Association. A driver may also wear colors registered to stable owners.

(9) A driver shall not drive against a horse in which he or she has a pecuniary interest.

R 431.4265 Driving rule violations; complaints; disciplinary action.

Rule 4265. (1) Although a leading horse is entitled to any part of the race course, except after selecting its position in the home stretch, the driver of the first horse or any other driver in the race shall not violate the driving rules by participating in any of the following conduct:

(a) Change either to the right or left during any part of the race when another horse is so near him or her that in altering his or her position the driver compels another horse to shorten its stride or causes the driver of the other horse to pull the horse out of its stride.

(b) Jostle or strike, or hook wheels or interfere with, another horse or driver.

(c) Cross sharply in front of a horse or cross in front of a field of horses in a reckless manner or endanger other drivers.

(d) Swerve in and out or pull up quickly.

(e) Crowd a horse or driver by putting a wheel under him.

(f) Carry a horse out.

- (g) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (h) Let a horse pass inside needlessly or otherwise help another horse to improve its position in the race.
- (i) Commit any act which impedes the progress of another horse or causes it to break.
- (j) Change course after selecting a position in the home stretch or swerve in and out, or bear in and out, in a manner as to interfere with another horse or cause it to change course or take back.
- (k) Drive in a careless or reckless manner.
- (l) Loud shouting or other improper conduct.
- (m) Fail to set and maintain a pace which is reasonable for that class of horse.

(2) All objections by drivers of any foul driving or other misconduct during the heat shall be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other objection of the rules shall, before dismounting, indicate to the official starter or the patrol judge his or her desire to enter the objection and shall immediately, upon dismounting, proceed to the telephone, where such objection shall be immediately entered. The stewards shall not cause the “official” sign to be displayed until the objection has been entered and considered.

(3) If any violation specified in subrule (1) of this rule is committed by a person driving a horse coupled as an entry in the betting, the stewards shall set the offending horse back. The horse coupled in the entry with the offending horse shall also be set back if the stewards find that the horse improved its finishing position as a direct result of the offense committed by the offending horse.

(4) In case of interference, collision, or violation of any of the provisions of this rule, the offending horse may be placed back 1 or more positions in that heat or dash. If a collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver may be subject to disciplinary action or, if a horse is set back, it shall be placed behind the horse with which it interfered.

(5) Every heat in a race shall be contested by every horse in the race, and every horse shall be driven to the finish. If the stewards believe that a horse is being driven, or has been driven, with the intent of preventing its winning a heat or dash which it was evidently able to win, or is being raced in an inconsistent manner or to perpetrate or to aid in fraud, they shall consider such driving a violation, and the driver and anyone aiding the driver in effecting the outcome of the race or races may be subject to disciplinary action. The stewards may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the stewards and the driver fee retained from the purse money due the horse, if any.

(6) If a drive is unsatisfactory due to the lack of effort or due to carelessness or is an inconsistent drive, the stewards may impose a penalty under this subrule.

(7) If, in the opinion of the stewards, a driver is for any reason unfit or incompetent to drive, refuses to comply with the directions of the racing officials, or is reckless in his or her conduct and endangers the safety of horses or other drivers in the race, he or she may be removed and another driver substituted at any time after the positions have been assigned in a race, and the offending driver shall be subject to disciplinary action. The substitute driver shall be properly compensated.

(8) If, for any cause, a horse fails to finish after starting in a heat, that horse shall be ruled out.

(9) A driver shall be mounted in his or her sulky at the finish of the race or the horse shall be placed as not finishing.

(10) A driver must do all of the following:

- (a) Have control of his or her horse at all times when on the race course.
- (b) Keep a line in each hand from the start of the race until the end of the race.

- (c) Not move his or her arm or arms in an exaggerated manner, and both lines shall remain reasonably taut during the entire race.
- (d) Keep both feet in the stirrups from the time the horses are brought to the starting gate until the race has been completed. A driver may remove a foot from the stirrups during the race solely for the purpose of pulling ear plugs and once the ear plugs have been pulled the foot must be placed back into the stirrup.
- (e) Not lean back during any part of the race in any manner that may cause unsafe conditions, alter the position of or impede the progress of trailing horses.
- (f) Not use any goading device, chain, or mechanical device or appliance, other than the ordinary whip, upon any horse in any race. The possession of any mechanical or electrical goading device on the grounds of an association is a violation.
- (g) Not punch, jab, or kick a horse at any time while on the grounds.
- (11) Use of whip must meet all of the following requirements:
 - (a) Whipping shall be limited to wrist action only with minimal elbow movement, and the whipping hand shall not be raised above shoulder height.
 - (b) Drivers shall not whip below the level of the shaft or strike any part of the horse under the tail or between the legs.
 - (c) Drivers shall not strike another horse or driver with a whip or use the whip so as to interfere in any way to another horse in the race.
 - (d) Drivers shall not whip a horse during the post parade or after the finish of the race.
 - (e) Excessive, indiscriminate, visibly injurious, or abusive use of the whip is prohibited.
 - (f) Drivers shall not continue to use the whip on an exhausted horse, or on a horse that is not in contention.
 - (g) A driver shall not cause visible injury. Welts, cuts, or whip marks on a horse resulting from whipping is prima facie evidence of a violation.
 - (h) Drivers shall not continue to use the whip without giving the horse time to respond; continuous use of the whip is prohibited.
- (12) Drivers are allowed whips that do not exceed 4 feet, 8 inches in length and are allowed snappers that are not longer than 8 inches.
- (13) A horse shall not wear hobbles in a race unless it starts in hobbles in the first heat, and having so started, it shall continue to wear hobbles to the finish of the race. Any person found guilty of removing or altering a horse's hobbles during a race or between races for the purpose of fraud shall be subject to disciplinary action, expelled, or ruled off. Any horse which habitually races free-legged or with hobbles shall be required to do so unless requalifying. A horse shall not wear a head pole which protrudes more than 10 inches beyond its nose.
- (14) A horse must finish the race on the race course or must be placed as not finishing.
- (15) All of the following apply regarding a pylon violation:
 - (a) A horse while on stride, or part of the horse's sulky, shall not leave the race course by going inside the pylons which constitutes the inside limits of the race course when not forced to do so as a result of the actions of another driver or horse, or both.
 - (b) If a horse while on stride, or part of the horse's sulky, goes inside a pylon and that action gave the horse an unfair advantage over other horses in the race or the action helped improve its position in the race, the offending horse may be fined or placed at the discretion of the stewards.
 - (c) When an act of interference causes a horse, or part of the horse's sulky, to cross inside one or more pylons, the stewards may place the offending horse behind the horse with which it interfered.

R 431.4270 Breaking.

Rule 4270. (1) When any horse breaks from its gait in trotting or pacing, its driver shall at once, where clearance exists, take the horse to the outside and pull it to its gait.

(2) Any of the following conduct is a violation of this rule:

- (a) Failure to properly attempt to pull the horse to its gait.
- (b) Failure to take to the outside where clearance exists.
- (c) Failure to lose sufficient ground by the break.

(3) If a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish, the breaking horse shall be set back.

(4) The stewards may set any horse back 1 or more places if, in their judgment, any of the conduct specified in subrule (2) of this rule has occurred.

(5) If, in the opinion of the stewards, a driver allows his or her horse to break for the purpose of fraudulently losing a heat, the driver shall be subject to disciplinary action.

(6) One of the stewards shall call out every break made, and the clerk shall at once note, in writing, the break and the character of the break.

R 431.4275 Right of course; time for accidents, loose horses.

Rule 4275. (1) Horses called for a race have the exclusive right of the course and other horses shall vacate the race course at once, unless permitted to remain by the stewards.

(2) In the case of accidents, only so much time shall be allowed as the stewards consider necessary and proper.

(3) When a loose horse leaves the race course the horse shall be scratched.

R 431.4280 Time and records.

Rule 4280. (1) In every race, the time of each heat shall be accurately recorded by an approved electric timing device and placed in the record in minutes, seconds, and fifths of seconds. When each heat has been ruled official by the stewards, the time thereof shall be publicly announced or posted. Unofficial timing shall not be announced or admitted to the record, and when the timers fail to act, times shall not be announced or recorded for that heat.

(2) In any case of alleged error in the record or an error in the announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor the horse or the owner, except upon the sworn statement of the stewards and the timer who officiated in the race.

(3) When requested by the executive director, the distance of a race course licensed by the executive director shall be verified by a certified measurement made wire to wire 3 feet out from the pole or inside hub rail.

(4) The leading horse shall be timed and only its time shall be announced. A horse shall not obtain a win race record by reason of the disqualification of another horse.

(5) In case of a dead heat, the time shall constitute a record for the horses making the dead heat and both shall be considered winners.

(6) The time shall be taken when the first horse leaves the point from which the distance of the race is measured until the winner reaches the wire.

(7) Any person who is guilty of the fraudulent misrepresentation of time or the alteration of the record thereof in any public race shall be subject to disciplinary action and the time declared not a record.

R 431.4285 Trainers; licensing.

Rule 4285. (1) An applicant for a trainer's license shall satisfy the stewards, in the manner as they may prescribe, that he or she complies with all of the following requirements:

- (a) Has not less than 2 years of experience under a recognized trainer and has demonstrated the ability to train.

(b) Is knowledgeable of, and conversant in, the training of harness horses.

(c) Is familiar with the rules pertaining to trainers and training.

(2) A person applying for a trainer's license shall be 18 years of age and shall submit satisfactory proof of having successfully completed a written United States Trotting Association examination or an examination given by the stewards.

(3) A person applying for a trainer's license for the purpose of training only horses he or she owns or in which he or she has an interest may be issued a trainer's license without being subject to the requirement of having 2 years' experience under a recognized trainer as set forth in subrule (1) of this rule.

(4) A licensed trainer may employ persons other than grooms to assist him or her in the care and training of horses in his or her stable. The assistant trainer shall be licensed and may perform all of the duties of a trainer, except that the trainer remains the absolute insurer of the condition of a horse.

(5) A horse shall not start unless the trainer and the owner are licensed by the executive director. A trainer and assistant trainer who are absent from his or her stable or from the grounds where his or her horses are racing for more than 2 consecutive days, and whose horses are entered or are to be entered, shall provide a licensed trainer to assume complete responsibility for the horses being entered or running. The licensed trainer shall sign, in the presence of the stewards, a form furnished by the executive director accepting complete responsibility for the horses entered or running.

R 431.4290 Protective nose shield.

Rule 4290. A protective nose shield may be worn by standardbred horses in pari-mutuel races when the executive director determines that weather conditions warrant the use for humane considerations. The stewards shall approve the type of protective nose shield permitted. Under no circumstance shall the protective nose shield be constructed of material other than that which is transparent. For purposes of photo finishes, the winner of the race shall be the horse whose nose or protective nose shield reaches the wire first.

PART 5. ACCOUNT WAGERING

R 431.5001 Definitions.

Rule 5001. As used in this part:

- (a) "Account" means an account for account wagering with a specific identifiable record of deposits, wagers, and withdrawals established by an account holder and managed by the third-party facilitator (TPF) licensee.
- (b) "Account holder" means a person who successfully opens an account.
- (c) "Account wagering" means an electronic form of pari-mutuel wagering in which a person has an account with a third-party facilitator and then uses the current balance to pay for live pari-mutuel wagering.
- (d) "Account wagering center" means an actual location, equipment, and staff of a third-party facilitator licensee or agents, or both, involved in the management, servicing, and operation of account wagering.
- (e) "Account wagering system" means a system used for the deposit and withdrawal of funds to make electronic wagers on pari-mutuel races.
- (f) "Confidential Information" means:
 - (i) The amount of money credited to, debited from, withdrawn from, or present in any particular account.
 - (ii) The amount of money wagered by a particular account holder on any race or series of races.

- (iii) The account number and secure personal identification code of a particular account holder.
- (iv) The identities of particular entries on which the account holder is wagering or has wagered.
- (v) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of the account wagering center and race meeting licensee that would identify the account holder to anyone other than the MGCB, the account wagering center or the race meeting licensee.
- (g) "Credits" means all positive inflows of money to an account.
- (h) "Debits" means all negative outflow of money from an account.
- (i) "Deposit" means a payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.
- (j) "Joint contract" means a contract to facilitate account wagering with the agreement signed by a TPF applicant or licensee, all race meeting licensees, and certified horsemen's organizations in this state.
- (k) "Principal residence address" means that place where the person submitting an application for an account resides not less than 50% of the time during the calendar year.
- (l) "Proper identification" means a form of identification accepted in the normal course of business to establish that the person making a transaction is an account holder.
- (m) "Secure personal identification code" means a unique alpha-numeric character code chosen by an account holder as a means by which the third-party facilitator may verify a wager or account transaction of an account holder.
- (n) "Third party facilitator" or "TPF" means a person who applies for and is licensed by the executive director to provide race meeting licensees with goods or services for the electronic processing of internet wagers using an account wagering system.
- (o) "Withdrawal" means a payment of money from an account by the TPF licensee or race meeting licensee to the account holder when properly requested by the account holder.

R 431.5005 Authorization for account wagering.

Rule 5005. (1) A race meeting licensee who is the holder of or applicant for a race meeting license issued under the act and these rules may request permission from the executive director to conduct account wagering pursuant to the act and these rules. As part of the request, the race meeting licensee or a TPF license applicant must submit a joint contract and a proposed plan of operation detailing how its proposed account wagering system would operate; the executive director may require changes in a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless ordered by the executive director or until approval is obtained from the executive director after it receives a written request.

(2) A race meeting licensee must furnish certification that the race meeting licensee assumes and acknowledges responsibility for all conduct of its TPF.

(3) The TPF or its agents, or both, must establish and maintain an account wagering system and center.

(4) The executive director may require the race meeting licensee or TPF to pay for investigations or inspections.

(5) Account wagers may only be made pursuant to the act and these rules.

R 431.5010 Licensure of Third Party Facilitators (TPF).

Rule 5010. (1) A provider of an account wagering center or systems must be licensed by the executive director as a TPF.

(2) A TPF may apply for a license to operate an account wagering system whereby wagers are debited and payouts are credited to an account held by a TPF on behalf of a person.

(3) A person applying for a TPF's license and a person required to be qualified as part of the application must complete and submit the application and disclosure forms in the manner and form prescribed by the executive director.

(4) The following nonrefundable TPF license application fees must be submitted to the executive director, together with the required application form or forms:

(a) TPF license: \$1,000.00.

(b) Renewal TPF License: \$500.00.

(5) The license or renewal application fee must be used by the executive director to conduct an appropriate background investigation of the applicant as prescribed by the executive director, the act, and these rules. No portion of a remitted license application fee shall be refunded.

(6) An additional background investigation charge may be assessed to the extent that the executive director's direct investigative cost exceeds the applicant's application fee. Unless otherwise determined by the executive director, a license may not be issued until payment of the additional assessed charge for completion of the background investigation is received by the executive director.

(7) A person applying for a TPF license must provide the name, address, and phone number of a representative to act as a liaison to the executive director or his or her designee. The liaison shall assist and cooperate with the executive director or his or her designee.

(8) A TPF is under a continuing duty to promptly disclose in writing any material changes in the information or documentation provided in or with the application, renewal, and disclosure forms submitted to the executive director.

(9) All persons employed by TPFs involved in accepting pari-mutuel wagers, and employees with access to facilities where the wagers are placed, or systems and records relating to account wagering are operated and secured, shall hold an occupational license with a recognized horse racing regulatory agency. The TPF shall provide and maintain with the executive director a current list of the employees.

(10) A licensed TPF must utilize and communicate pari-mutuel wagers to a pari-mutuel system meeting all requirements for pari-mutuel systems employed by race meeting licensees in this jurisdiction.

(11) A licensed TPF must operate and communicate with the totalisator system in a way as not to provide or facilitate a wagering advantage based on access to information and processing of wagers by TPF account holders relative to persons who wager at race tracks or public off track wagering facilities. The TPF shall have in place an independent real time monitoring system and use approved by the executive director, and use other procedures as needed, to ensure compliance with this requirement.

(12) Failure to provide information requested by the executive director to assist in any investigation, inquiry, hearing, or failure to comply with the act or rules promulgated by the executive director, may result in denial, suspension, or, upon reasonable notice, revocation of a license.

R 431.5015 Establishment of accounts.

Rule 5015. (1) A person must establish an account with the TPF before placing an account wager. An account may only be established with a licensed TPF.

(2) Accounts can only be established by natural persons and will not be transferable between persons.

(3) To establish an account, an application must be electronically signed or otherwise expressly authorized by the applicant and must contain the following information:

(a) The applicant's full legal name.

(b) The applicant's principal residence address.

(c) The applicant's telephone number.

(d) Proper identification or certification demonstrating that the applicant is at least 18 years of age.

(e) Any other information the executive director determines is necessary to carry out its duties under applicable laws and rules.

(4) A TPF may not sell or share an applicant or account holder's confidential information, or use an applicant or account holder's confidential information for any purpose not related to authorized account wagering, except as authorized by the applicant or account holder.

(5) Each application for an account shall be verified with respect to name, principal residence address, and date of birth either by an independent service provider or another means authorized by the executive director to adequately ensure the accuracy of the information.

(6) A TPF must provide the following information to each applicant when an account is established:

(a) The process for funding accounts and making withdrawals from accounts.

(b) Account wagering rules and procedures, methods, timing of crediting and debiting accounts, user fees, and any other information considered necessary by the executive director.

(c) Notice that the account holder may place wagers only on races authorized for pari-mutuel wagering under Michigan law.

(d) A unique account number.

(e) Notice that an account holder must be at least 18 years of age and that individuals under the age of 18 shall not have access to the account.

(f) Information on responsible wagering and how to obtain assistance with problem gambling, including the contact information for at least one problem gambling assistance program.

(g) Procedures for resolving disputes between the account holder and the TPF.

(h) Any other information considered appropriate by the executive director.

(7) The executive director must approve any changes to the account's terms and conditions, before implementation by the TPF.

(8) The TPF must notify the account holder when the terms and conditions governing the account are changed. The notification must be before the new procedures are applied to the account. The account holder must have the opportunity to close the account. If the account is not closed, it is presumed the account holder accepted the new terms and conditions of the account.

(9) An account holder is required to supply a secure personal identification code when establishing an account. The account holder is required to supply the code when making deposits or withdrawals from the account and when placing a wager. The account holder has the right to change the code at any time.

(10) Nothing in this chapter prohibits a TPF from refusing to open an account for reasonable business reasons.

R 431.5020 Operation of accounts.

Rule 5020. (1) An account holder may make deposits to the account in the following forms:

(a) Cash, which may be deposited at financial or retail outlets designated by the TPF.

(b) Check, money order, or negotiable order of withdrawal sent to the TPF.

(c) Charges made to an account holder's credit or debit card upon authorization of the account holder.

(d) Electronic funds transfer by the account holder, in which case the account holder is responsible for any fees imposed by the remitting entity.

(e) Any other method approved by the executive director.

(2) The following credits shall be posted to an account by the TPF as soon as practicable after the race is declared official:

(a) Credit for winnings from wagers.

(b) Credit for all refunded wagers as required by the laws and rules applicable to the host track.

(3) Debits to an account shall be made as follows:

(a) Upon receipt of a wager, the TPF may debit the account in the amount of the wager.

(b) Debits may be made for fees for service or other transaction-related charges by the TPF.

(c) An account wagering center may authorize a withdrawal from an account as approved by the executive director.

(4) Nothing in this chapter prohibits a TPF from refusing to accept a wager or from suspending or refusing deposits to an account for reasonable business reasons.

(5) Disputes between an account holder and a TPF shall be administered under the dispute resolution procedures contained in the license application approved by the executive director.

R 431.5025 Conduct of wagering.

Rule 5025. (1) A TPF may accept wagers in the manner and form approved by the executive director.

(2) For account wagers made by phone, the TPF must make a voice recording of the entire transaction and must not accept any account wager if the voice recording system is inoperable. Voice recordings must be retained for not less than 6 months or another time specified by the executive director. The recordings must be made available to the executive director at his or her request.

(3) Any account wagering system must provide for the account holder's review and finalization of a wager before it is accepted by the TPF. Neither the account holder nor the TPF may change a wager after the account holder has reviewed and finalized the wager and the TPF has accepted the wager. When a wager is made by phone, the voice recording of the transaction is the actual wager, regardless of what was recorded by the account wagering system.

(4) A TPF must not accept account wagers from an account holder in excess of the account balance. No credit shall be extended by a TPF to an account holder. Any account not updated when a transaction is completed is inoperable until the transaction is posted and the account balance updated.

(5) All information about an account is not subject to disclosure except as authorized by the executive director.

R 431.5030 Closing of accounts.

Rule 5030. (1) An account holder or the TPF may close an account under the procedure approved by the executive director.

(2) If an account holder dies, unclaimed cash balances in the account must only be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, after which the account must be closed.

R 431.5035 Record keeping and reporting.

Rule 5035. (1) A TPF must maintain all of the following information on each account for a minimum of 3 years:

(a) A record of all deposits, credits, and withdrawals.

(b) A record of all wagers made.

(2) Upon request of the account holder, a TPF must provide any records it maintains on the account holder's account under subrule (1) of this rule. Records may be provided in paper or electronic format.

(3) A TPF must make an account holder's current account balance available to the account holder at all times.

(4) A TPF must allow the executive director and its designees to review and audit all records related in any way to its licensure, financial solvency, accounts, and the conduct of wagering by Michigan residents. Information relevant to the review and audit must be made available to the executive director or his or her designees upon request and in a format required by the executive director.

(5) A TPF must provide an annual audited financial statement to the executive director.

(6) A TPF must report to the executive director quarterly all payments made to the pari-mutuel horse racing disbursement account, the pari-mutuel activity on which the funds were paid, the number of

accounts held by Michigan residents at the end of the reporting period, and any other information requested by the executive director.

R 431.5040 Penalties.

Rule 5040. (1) The executive director may issue a fine, suspend, or revoke a TPF license if any of the following occurs:

- (a) The TPF fails to comply with all federal, state, and local laws.
 - (b) The TPF has knowingly provided false or misleading information to the executive director, withheld information required to be provided, or made material changes in the account wagering system without prior approval of the executive director.
 - (c) The TPF has had a license denied, suspended, or revoked in another jurisdiction.
 - (d) The TPF fails to comply with any conditions on the license imposed by the executive director.
 - (e) The TPF poses a threat to the public interest or the integrity of racing or wagering in Michigan.
- (2) A suspension or revocation of a TPF license may be appealed under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 22, 2021

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(By authority conferred on the director of the department of labor and economic opportunity by sections 19 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.42110, R 408.42149, R 408. 42150, R 408.42154, R 408.42155, R 408.42156, and R 408.42157 of the Michigan Administrative Code are amended, as follows:

PART 21. GUARDING OF WALKING AND WORKING AREAS

R 408.42110 MIOSHA referenced standard.

Rule 2110. Michigan Occupational Safety and Health Administration (MIOSHA) Construction Safety Standard Part 22. "Signals, Signs, Tags, and Barricades," R 408.42201 to R 408.42243, is referenced in these rules. Up to 5 copies of this standard may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

R 408.42149 Stairways.

Rule 2149. (1) A stairway shall be equipped with a stair railing or handrail as follows:

(a) A stairway which is not more than 44 inches (112 cm) wide and which has enclosed sides shall have a handrail on the right descending side.

(b) A stairway which is not more than 44 inches (112 cm) wide and which has 1 open side shall have a stair railing on the open side.

(c) A stairway which is not more than 44 inches (112 cm) wide and which has 2 open sides shall have a stair railing on each side.

(d) A stairway that is more than 44 inches (112 cm) wide shall have 1 handrail on each enclosed side and 1 stair rail on each open side.

(e) A stairway that is 88 or more inches (224 cm) wide shall have 1 handrail on each enclosed side, 1 stair rail on each open side, and 1 intermediate stair rail located in the middle of the stairway.

(2) Where a door or gate opens directly on a stairway more than 6 feet (1.8 m) in height and is used as a required means of egress, a stair landing shall be provided. The swing of the door shall not reduce the landing which leads to the stairway to less than 20 inches (51 cm) unless specified in another code.

R 408.42150 Guardrail specifications for scaffolding and catch platforms.

Rule 2150. (1) A guardrail for scaffolding and catch platforms shall consist of a top rail, intermediate rail, and supporting posts. The top rail shall have a smooth surface and shall be installed between 38 inches (97 cm) and 45 inches (114 cm) above the floor, ramp, platform, or runway. When conditions warrant, the height of the top edge may exceed the 45-inch (114 cm) height, provided the guardrail system meets all other criteria of this rule. The intermediate rail shall be located halfway between the top rail and the floor, ramp, platform, or runway. The top rail shall not overrun the terminal posts unless such a projection does not constitute a hazard.

(2) A top rail and its supporting posts shall be constructed of wood that is not less than 2- by 4-inch nominal size with a 1- by 6-inch or 2- by 4-inch nominal size intermediate rail. The construction and fastenings shall produce a guardrail capable of withstanding a 200-pound side thrust applied at the top rail. Other material may be used if the finished product has the 200-pound capability. A guardrail that is subject to additional loads shall be constructed of heavier stock and the supporting post shall be more closely spaced.

(3) Vertical supporting posts shall be placed not more than 8 feet (2.4 m) apart.

(4) Banding steel shall not be used for guardrail construction.

(5) Welded re-steel members shall not be used for guardrail construction.

R 408.42154 Runway and ramp specifications.

Rule 2154. (1) A ramp or runway that is used exclusively by employees as a means of access to or egress from a walking or working surface shall comply with all of the following provisions:

(a) Be capable of supporting not less than 2 times the maximum intended load.

(b) Consist of a minimum of two 2-inch by 10-inch nominal size planks placed side by side or other material of equal width that provides equivalent strength if guardrails are not required.

(c) Consist of a minimum of three 2-inch by 10-inch nominal size planks placed side by side or other material of equal width that provides equivalent strength if guardrails are required.

(d) Not be constructed steeper than the ratio of 1 foot of vertical rise to 2 feet (0.6 m) of horizontal run.

(e) Have a slip-resistant surface or have cleats that are not more than 2 inches by 4 inches nominal size and which are uniformly spaced not more than 24 inches (61 cm) apart.

(f) Be constructed to avoid excessive deflection and springing action.

(g) Be secured at each end to prevent displacement.

(h) Not be used for the storage of materials or equipment.

(i) Be maintained free of debris, other loose materials, and slip or trip hazards.

(2) A ramp or runway used by employees with wheelbarrows shall comply with both of the following provisions:

(a) Be constructed and used as prescribed in subrule (1)(a), (d), (e), (f), (g), (h), and (i) of this rule.

(b) Consist of three 2-inch by 10-inch nominal size planks placed side by side or other material of equal width that provides equivalent strength.

(3) A ramp or runway used by concrete buggies, forklift trucks, or other motorized material handling equipment shall comply with all of the following provisions:

(a) Be capable of supporting not less than 4 times the maximum intended load.

(b) Be not less than 5 feet (1.5 m) wide.

(c) Be constructed and used as prescribed in subrule (1)(a), (d), (f), (g), (h), and (i) of this rule.

(4) A ramp or runway constructed of 2 or more planks placed side by side shall have the planks securely fastened together.

R 408.42155 Specifications for stair rail.

Rule 2155. (1) A stair railing shall consist of a stair rail, a vertical support, and an intermediate rail or its equivalent to prevent an employee from falling through the opening between the stair rail and the stairs. The stair rail shall parallel the slope of the stairway.

(2) A stair rail shall be smooth, made of 2- by 4-inch nominal-sized lumber, and constructed in a manner to withstand a side thrust of not less than 200 pounds. The height of a stair rail shall be as follows:

(a) A stair rail that is installed after March 15, 1991, shall be not less than 36 inches (91.5 cm) from the upper surface of the stair rail system to the surface of the tread and in line with the face of the riser at the forward edge of the tread.

(b) A stair rail that is installed before March 15, 1991, shall be not less than 30 inches (76 cm) nor more than 34 inches (86 cm) from the upper surface of the stair rail system to the surface of the tread and in line with the face of the riser at the forward edge of the tread.

(3) The vertical post shall be constructed of not less than 2- by 4-inch nominal-sized lumber and shall be spaced not more than 6 feet (1.8 m) apart.

(4) An intermediate rail or midrail shall be constructed of not less than 1- by 6-inch or 2- by 4-inch nominal-sized lumber and shall be installed midway between the stair rail and the treads.

(5) Screens, mesh, intermediate vertical members, or equivalent intermediate structural members shall be provided between the top rail of the stair rail system and the stairway steps.

(6) Screens or mesh, when used, shall extend from the top rail to the stairway step and along the entire opening between the top rail supports.

(7) When intermediate vertical members, such as balusters, are used between posts, they shall be not more than 19 inches (48 cm) apart.

(8) Other structural members, when used, shall be installed such that there are no openings in the stair rail system that are more than 19 inches (48 cm) wide.

(9) A stair rail shall not have protruding nails or rough or sharp corners and shall not constitute a projection hazard.

(10) Other material may be used if the stair railing meets the 200-pound side thrust requirement.

(11) A stairway that has 4 or more risers or rises more than 30 inches (76 cm), whichever is less, shall be equipped with at least 1 handrail and at least 1 stair rail system along each unprotected side or edge. When the top edge of a stair rail system also serves as a handrail, R 408.42156(3) applies.

(12) Winding and spiral stairways shall be equipped with a handrail that is sufficiently offset to prevent walking on those portions of the stairways where the tread width is less than 6 inches (15 cm).

R 408.42156 Handrail specifications.

Rule 2156. (1) A handrail shall be of a configuration that provides a handhold when grasped to avoid a fall and shall follow the slope of the stairway.

(2) A handrail shall be vertically installed not more than 37 inches (94 cm), nor less than 30 inches (76 cm), above the front edge of the treads.

(3) When the top edge of a stair rail system also serves as a handrail, the height of the top edge shall be not more than 37 inches (94 cm) nor less than 36 inches (91.5 cm) from the upper surface of the stair rail system to the surface of the tread and in line with the face of the riser at the forward edge of the tread.

(4) A handrail shall have a smooth surface along the top and sides and the ends shall not present a projection hazard.

(5) Handrails that will not be a permanent part of the structure being built shall have a minimum clearance of 3 inches (8 cm) between the handrail and walls, stair rail systems, and other objects.

(6) The ends of stair rail systems and handrails shall be constructed so as not to constitute a projection hazard.

R 408.42157 Temporary stairways.

Rule 2157. (1) All wooden components that are necessary to construct and guard a temporary stairway shall be of construction-grade lumber.

(2) The minimum width of a temporary stairway shall be 22 inches (56 cm).

(3) The total vertical rise of a temporary stairway shall not be more than 12 feet (3.7 m), unless stair platforms are provided.

(4) The rise shall be not less than 6 inches (15 cm) nor more than 8 inches (20 cm).

(5) The ratio of rise to tread width shall be uniform for all sets of stairs.

(6) The sides of a temporary stairway shall be guarded as required by R 408.42155 and R 408.42156, except that a stairway used as access to material storage trailers is required to be guarded on only 1 side.

(7) If used during construction, permanent steel or other metal stairways and landings with hollow pan-type treads that are to be filled with concrete or other materials shall be filled to the level of the nosing with solid material. This requirement shall not apply during the period of actual construction of the stairways. Metal landings shall be secured in place before filling. Such temporary treads and landings shall be replaced when worn below the level of the top edge of the pan.

(8) A stairway shall be free of hazardous projections, such as nails, sharp top rails, and handrail projections.

(9) A stairway shall have a minimum vertical clearance of 7 feet (2.1 m) from any overhead object, unless the overhead object is padded and caution signs or paint is used on the object, as prescribed in Construction Safety Standard Part 22. "Signals, Signs, Tags, and Barricades," as referenced in R 408.42110.

(10) Except during stairway construction, foot traffic is prohibited on skeleton metal stairs where permanent treads or landings are to be installed at a later date, unless the stairs are fitted with secured temporary treads and landings long enough to cover the entire tread or landing area.

(11) Treads for temporary service shall be made of wood or other solid material and shall be installed the full width and depth of the stair.

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(By authority conferred on the director of the department of labor and economic opportunity by sections 19 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.40810 and R 408.40818 of the Michigan Administrative Code are amended, and R 408.40801 is rescinded, as follows:

PART 8. HANDLING AND STORAGE OF MATERIALS

R 408.40801 Rescinded.

R 408.40810 Scope and adoption by reference of standards.

Rule 810. (1) This standard pertains to the handling and storage of construction materials, including care and use of slings, ropes, and chains for a construction operation, except for specific rules covering materials covered in the following MIOSHA standards, which are referenced in this rule:

- (a) Construction Safety Standard Part 7. "Welding and Cutting."
- (b) Construction Safety Standard Part 18. "Fire Protection and Prevention."
- (c) Construction Safety Standard Part 20. "Demolition"
- (d) Construction Safety Standard Part 27. "Blasting and Use of Explosives."

(2) The Compressed Gas Association Standard, P-1--2000, "Safe Handling of Compressed Gases in Containers," ninth edition, is adopted in these rules. The standard is available from the Compressed Gas Association, Inc., 4221 Walney Road, 5th Floor, Chantilly, Virginia, 20151-2923; telephone number: 703-788-2700 or via the internet at web-site: www.cganet.com at a cost as of the time of adoption of these rules of \$227.00.

(3) The standard adopted in these rules is available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(4) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West

Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(5) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 7. “Welding and Cutting,” R 408.40701 to R 408.40762.

(b) Construction Safety Standard Part 18. “Fire Protection and Prevention,” R 408.41801 to R 408.41884.

(c) Construction Safety Standard Part 20. “Demolition,” R 408.42001 to R 408.42047.

(d) Construction Safety Standard Part 27. “Blasting and Use of Explosives,” R 408.42701 to R 408.42799.

(e) General Industry Safety and Health Standard Part 49. “Slings,” R 408.14901 to R 408.14965.

R 408.40818 General provisions; storage.

Rule 818. (1) All material shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling, or collapse during storage or transit.

(2) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

(3) The maximum safe load limit in pounds per square foot of a floor or roof of a building shall be conspicuously posted in all storage areas, except when a storage area is on a floor or slab on grade. The maximum safe load limit shall not be exceeded. Posting is not required for storage areas in all single-family residential structures and wood-framed multi-family residential structures.

(4) Storage areas, aisles, and passageways shall be kept free of the accumulation of materials that constitutes a hazard to the movement of material-handling equipment and employees. Such areas shall be kept in good repair.

(5) If a difference in road or work levels exists, ramps, grading, or blocking shall be provided to ensure the safe movement of material-handling equipment.

(6) A railcar, truck, or semitrailer shall be chocked or otherwise secured during loading and unloading if the movement of a railcar, truck, or trailer could create a hazard for the employee.

(7) While roofing work is being performed, materials and equipment shall not be stored within 6 feet (1.8 m) of a roof edge, unless guardrails are erected at the roof edge.

(8) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall that does not extend above the top of the material stored.

(9) Noncompatible materials shall be segregated in storage.

(10) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or pest harborage. Vegetation control shall be exercised when necessary.

(11) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(12) Portable and powered dockboards shall be strong enough to carry the load imposed on them.

(13) Portable dockboards shall be secured in position by being anchored and equipped with devices that will prevent slipping.

(14) Handholds, or other effective means, shall be provided on portable dockboards to permit safe handling.

(15) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51983 OF THE MICHIGAN ADMINISTRATIVE CODE IS AMENDED, AND R 325.51984 AND R 325.51985 ARE RESCINDED, AS FOLLOWS:

PART 603. LEAD EXPOSURE IN CONSTRUCTION

R 325.51983 Scope, application, adoption, and availability of standards.

Rule 83. (1) These rules apply to all construction work as defined by the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094. Construction work includes all of the following:

- (a) Demolition or salvage of structures where lead or materials containing lead are present.
 - (b) Removal or encapsulation of materials containing lead.
 - (c) New construction, alteration, repair, painting, decorating, or renovation of structures, substrates, or portions thereof that contain lead or materials containing lead.
 - (d) Installation of products containing lead.
 - (e) Lead contamination or emergency cleanup.
 - (f) Transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed.
 - (g) Maintenance operations associated with the construction activities described in this rule.
- (2) The federal Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.62, "Lead," as amended on February 18, 2020, is adopted by reference in these rules.
- (3) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.
- (4) The following provisions of the OSHA regulation adopted in these rules are not adopted by reference:

- (a) 1926.62(d)(2)(v) is replaced by R 325.51986.
- (b) 1926.62(j)(1) is replaced by R 325.51987.
- (c) 1926.62(j)(2)(i) is replaced by R 325.51988.
- (d) 1926.62(j)(2)(iv) is replaced by R 325.51989.
- (e) 1926.62(j)(3)(i) is replaced by R 325.51990.
- (f) 1926.62(j)(3)(ii) is replaced by R 325.51991.
- (g) 1926.62(k)(1)(i) is replaced by R 325.51992.
- (h) 1926.62(k)(1)(iii) is replaced by R 325.51993.
- (5) A reference to 1926.51 “Sanitation,” means Construction Safety and Health Standard Part 1. “General Rules,” R 408.40101 to R 408.40134.
- (6) A reference to 1910.133 “Eye and face protection,” means Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.
- (7) A reference to 1910.134 “Respiratory Protection,” means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.
- (8) A reference to 1910.1020 “Access to employee exposure and medical records,” means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.
- (9) A reference to 1910.1025 “Lead,” means General Industry Safety and Health Standard Part 310. “Lead in General Industry,” R 325.51901 to 325.51958.
- (10) A reference to 1910.1200 “Hazard Communication,” means Construction Safety and Health Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.
- (11) The OSHA regulation adopted in these rules is available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.
- (12) The regulation adopted in these rules is available for inspection at the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.
- (13) The regulation adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.
- (14) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.
- (a) Construction Safety and Health Standard Part 1. “General Rules,” R 408.40101 to R 408.40134.
- (b) Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.
- (c) Construction Safety and Health Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.
- (d) General Industry Safety and Health Standard Part 310. “Lead in General Industry,” R 325.51901 to R 325.51958.
- (e) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.
- (f) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

R 325.51984 Rescinded.

R 325.51985 Rescinded.

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Orders Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51995 of the Michigan Administrative Code is amended, and R 325.51996 and R 325.51997 are rescinded, as follows:

PART 604. CHROMIUM (VI) IN CONSTRUCTION

R 325.51995 Scope, adoption, and availability of standards.

Rule 1. (1) This standard applies to all occupational exposures to chromium (VI) in all forms and compounds in construction, except for any of the following:

(a) Exposures that occur in the application of pesticides regulated by the Environmental Protection Agency or another federal or state government agency, such as the treatment of wood with preservatives.

(b) Exposures to portland cement.

(c) Where the employer has objective data demonstrating that a material containing chromium or a specific process, operation, or activity involving chromium cannot release dusts, fumes, or mists of chromium (VI) in concentrations at or above 0.5 µg/m³ as an 8-hour time-weighted average (TWA) under any expected conditions of use.

(2) This standard does not apply to general industry work as defined by the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094. Exposure to chromium (VI) in general industry work is covered by Occupational Health Standard Part 315. "Chromium (VI) in General Industry," R 325.50141 to 325.50143.

(3) The federal Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1126 "Chromium (VI)," amended May 14, 2019, is adopted by reference in these rules. As used in these rules:

(a) "Assistant secretary," means the director of the department of labor and economic opportunity or his or her designated representative.

(b) "1910.134" means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(c) "1910.1200," means Occupational Health Standard Part 430. "Hazard Communication."

(d) "1910.1020," means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets."

(4) The federal regulation adopted in this rule has the same force and effect as a rule promulgated pursuant to the provisions of the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.

(5) The OSHA standard 29 CFR 1926.1126 "Chromium (VI)," amended May 14, 2019, is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules.

(6) The standard adopted in these rules is available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(7) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(8) The following Michigan occupational safety and health administrative (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143; or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 315. "Chromium (VI) in General Industry," R 325.50141 to R 325.50143.

(b) Occupational Health Standard Part 430. "Hazard Communication," R 325.77001 to R 325.77004.

(c) General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection," R 325.60051 and R 325.60052.

(d) General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.

R 325.51996 Rescinded.

R 325.51997 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

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(By authority conferred on the director of the department of labor and economic opportunity by sections 19 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.42201 and R 408.42223 of the Michigan Administrative Code are amended, and R 408.42209 is rescinded, as follows:

PART 22. SIGNALS, SIGNS, TAGS, AND BARRICADES

R 408.42201 Scope and adopted and referenced standards.

Rule 2201. (1) This part pertains to the design, placement, relocation, covering, removal, use, and maintenance of signals, traffic control devices, accident prevention signs, tags, and barricades for construction operations.

(2) American National Standards Institute (ANSI) International Safety Equipment Association (ISEA) standard 107 "High-Visibility Safety Apparel and Headwear," 2004 edition, is adopted by reference in these rules. This standard is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules of \$64.00.

(3) The "Manual on Uniform Traffic Control Devices, Part 6: Temporary Traffic Control," 2011 Michigan/2009 Federal Edition is adopted by reference in these rules and is available at no cost from the Michigan Department of Transportation via the Internet at website: www.michigan.gov/mdot. The entire 2011 Michigan Manual on Uniform Traffic Control Devices (MMUTCD) may be purchased from the Michigan Department of Transportation, Cashiers Office, P.O. Box 30648, Lansing, Michigan 48909-8148; (517) 636-0650; at a cost of \$143.99 as of the time of adoption of these rules.

(4) The standards adopted in subrules (1) and (2) of this rule are also available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(5) Copies of the standards adopted in subrules (1) and (2) of this rule may be obtained from the publisher or may also be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost stated in subrules (1) and (2) of this rule, plus \$20 for shipping and handling.

(6) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety and Health Standard Part 1. "General Rules," R 408.40101 to R 408.40134.

(b) Construction Safety and Health Standard Part 6. "Personal Protective Equipment," R 408.40601 to R 408.40660.

(c) Construction Safety and Health Standard Part 10. "Cranes and Derricks," R 408.41001 to R 408.41099a.

(d) Construction Safety and Health Standard Part 13. "Mobile Equipment," R 408.41301.

(e) Construction Safety Standards Part 27. "Blasting and Use of Explosives," R 408.42701 to R 408.42799.

(f) Construction Safety and Health Standard Part 30. "Telecommunications for Construction," R 408.43001 to R 408.43006.

(g) Construction Safety Standards Part 45. "Fall Protection," R 408.44501 to R 408.44502.

R 408.42209 Rescinded.

R 408.42223 Traffic control.

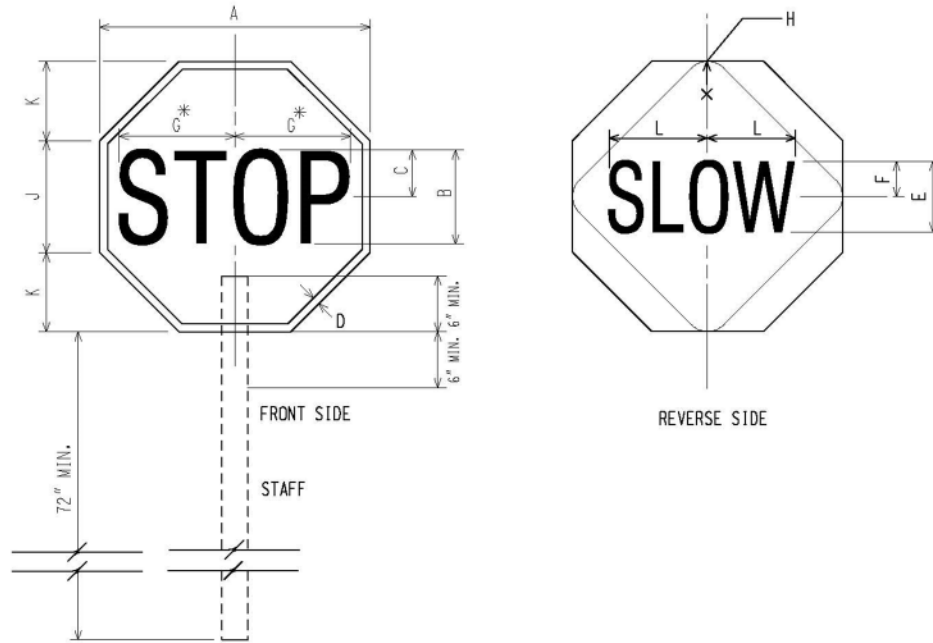
Rule 2223. (1) Traffic control devices shall be installed and maintained as prescribed in Part 6 of the 2011 MMUTCD, which is adopted by reference in R 408.42201.

(a) At points of hazard, construction areas shall be posted with legible traffic control signs and protected by traffic control devices.

(b) The design and use of all traffic control devices, including signs, signals, markings, barricades, and other devices for protection of construction workers shall conform to the provisions of Part 6 of the 2011 MMUTCD, which is adopted by reference in R 408.42201.

(2) A hand-held paddle sign shall have 2 faces and it shall be attached to a staff of suitable design that will allow the entire unit to be held and controlled by 1 traffic regulator. The bottom of the sign shall be a minimum of 6 feet above the roadway surface. The sign shall be fastened to the staff so that no part of the legend is obscured. The portion of the staff within the sign face shall match the sign colors. The sign shall not be less than 18 by 18 inches and the letters shall have a minimum height of 6 inches (150 millimeters). All letters and spacing between letters shall be as prescribed in Part 6 of the 2011 MMUTCD, which is adopted by reference in R 408.42201. The legend shall be optically centered horizontally on the sign. One side of the sign shall display a "STOP" face and the other side shall display the message "SLOW," except that if it is necessary for 1 traffic regulator to stop 2 directions of traffic at the same time, then a "STOP" face shall be used on each side of the sign. The "STOP" face shall have a red background with white letters and border. The "SLOW" face shall have an orange background with black letters and border. The shape of the sign shall be octagonal and the portions of the sign other than the diamond-shaped "SLOW" face shall be black. When the sign paddle is used during hours of darkness, the red and white of the "STOP" face and the orange of the "SLOW" face shall be reflectorized. Sheet metal or other light semi-rigid material may be used for mounting the "STOP" and "SLOW" faces.

(3) The paddle sign shall be as follows:



R1-1a

*SPACING REDUCED 40%

SIGN	DIMENSIONS (INCHES)										
	A	B	C	D	E	F	G	H	J	K	L
MINIMUM	18	6 C	3	.5	6 B	3	7.75	1.5	7.5	5.25	6.25
SPECIAL	24	8 C	4	.62	8 B	3.5	10	1.5	9.87	7.06	8.25

Note: "Special" sign dimensions are recommended for single traffic regulator operations.

(4) An employer shall provide, and a traffic regulator shall wear, high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107, "High-Visibility Safety Apparel and Headwear," 2004 edition, (see Section 1A.11), which is adopted by reference in R 408.42201, or equivalent revisions, and labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3 risk exposure.

(5) A traffic regulator shall also wear head, eye, and foot protection as prescribed in Construction Safety and Health Standard Part 6. Personal Protective Equipment, as referenced in R 408.42201.

ADMINISTRATIVE RULES

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51301 of the Michigan Administrative Code is amended, and R 325.51302 is rescinded, as follows:

PART 602. ASBESTOS STANDARDS FOR CONSTRUCTION

R 325.51301 Scope, application, and adoption by federal standards.

Rule 1. (1) These rules apply to all construction work as defined by the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094. Construction work includes, but is not limited to, all of the following:

- (a) Demolition or salvage of structures where asbestos is present.
- (b) Removal or encapsulation of materials containing asbestos.
- (c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof that contain asbestos.
- (d) Installation of products containing asbestos.
- (e) Asbestos spill or emergency cleanup.
- (f) The transportation, disposal, storage, or containment of, and housekeeping activities involving, asbestos or products containing asbestos on the site or location at which construction activities are performed.

(2) Coverage under these rules shall be based on the nature of the work operation involving asbestos exposure.

(3) The federal Occupational Safety and Health Administration (OSHA) regulations on occupational exposure to asbestos that have been promulgated by the United States Department of Labor and codified at 29 CFR 1926.1101, "Asbestos," as amended February 18, 2020, are adopted in these rules.

(4) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094.

(5) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(6) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(7) The regulations adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

R 325.51302 Rescinded.

ADMINISTRATIVE RULES

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.50051 of the Michigan Administrative Code is amended, as follows:

PART 303. METHYLENEDIANILINE (MDA) IN GENERAL INDUSTRY

R 325.50051 Scope, application, adoption, and availability of standards.

Rule 1. (1) These rules apply to all occupational exposures to methylenedianiline (MDA), Chemical Abstracts Service Registry No. 101-77-9, except as provided in subrules (2) to (7) of this rule.

(2) Except as provided in subrule (8) of this rule and 29 CFR 1910.1050(e)(5), these rules do not apply to the processing, use, and handling of products containing MDA if initial monitoring indicates that the product is not capable of releasing MDA in excess of the action level under the expected conditions of processing, use, and handling that will cause the greatest possible release; and if no "dermal exposure to MDA" can occur.

(3) Except as provided in subrule (8) of this rule, these rules do not apply to the processing, use, and handling of products containing MDA if objective data are reasonably relied upon that demonstrate the product is not capable of releasing MDA under the expected conditions of processing, use, and handling that will cause the greatest possible release; and if no "dermal exposure to MDA" can occur.

(4) These rules do not apply to the storage, transportation, distribution or sale of MDA in intact containers sealed in such a manner as to contain the MDA dusts, vapors, or liquids, except for the provisions of 29 CFR 1910.1200 and 29 CFR 1910.1050(d).

(5) These rules do not apply to the construction industry. Exposure to MDA in the construction industry is covered by Construction Safety and Health Standard Part 605. "Methylenedianiline (MDA) in Construction."

(6) Except as provided in subrule (8) of this rule, these rules do not apply to materials in any form that contain less than 0.1% MDA by weight or volume.

(7) Except as provided in subrule (8) of this rule, these rules do not apply to "finished articles containing MDA."

(8) If products containing MDA are exempted under subrules (2) to (7) of this rule, the employer shall maintain records of the initial monitoring results or objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in the recordkeeping provision of 29 CFR 1910.1050(n).

(9) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1910.1050 "Methylenedianiline," as amended May 14, 2019.

(b) 29 CFR 1910.1050, appendix A "Substance Data Sheet, for 4,4'-Methylenedianiline," as amended April 23, 1998.

(c) 29 CFR 1910.1050, appendix B "Substance Technical Guidelines, MDA," as in effect as of the effective date of these rules.

(d) 29 CFR 1910.1050, appendix C "Medical Surveillance Guidelines for MDA," as in effect as of the effective date of these rules.

(e) 29 CFR 1910.1050, appendix D "Sampling and Analytical Methods for MDA Monitoring and Measurement Procedures," as in effect as of the effective date of these rules.

(10) A reference to 29 CFR 1910.38 and 1910.39 means General Industry Safety and Health Standard Part 6. "Fire Exits."

(11) A reference to 29 CFR 1910.133 means General Industry Safety and Health Standard Part 33. "Personal Protective Equipment."

(12) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. "Hazard Communication."

(13) A reference to 29 CFR 1910.141 means General Industry Safety and Health Standard Part 474. "Sanitation."

(14) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(15) A reference to 29 CFR 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets."

(16) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(17) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(18) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(19) The regulations adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in these rules, plus \$20.00 for shipping and handling.

(20) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 6. "Fire Exits," R 408.10601 to R 408.10697.

(b) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(c) General Industry Safety and Health Standard Part 474. “Sanitation,” R 325.47401 to R 325.47425.

(d) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(e) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(f) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(g) Construction Safety and Health Standard Part 605. “Methylenedianiline (MDA) in Construction,” R 325.60501 to R 325.60501.

ADMINISTRATIVE RULES

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51151 of the Michigan Administrative Code is amended, as follows:

PART 304. ETHYLENE OXIDE

R 325.51151 Scope, application, adoption, and availability of standards.

Rule 1. (1) These rules apply to all occupational exposures to ethylene oxide (EtO), chemical abstracts service registry no. 75-21-8, except as provided in subrule (2) of this rule.

(2) These rules do not apply to the processing, use, and handling of products that contain EtO if objective data are reasonably relied upon that demonstrate that the product is not capable of releasing EtO in airborne concentrations at or above the action level under the expected conditions of processing, use, or handling that will cause the greatest possible release.

(3) If products containing EtO are exempted under subrule (2) of this rule, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in 29 CFR 1910.1047(k)(1), which is adopted by reference in subrule (4) of this rule.

(4) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1910.1047 "Ethylene oxide," as amended May 14, 2019.

(b) 29 CFR 1910.1047, appendix A "Substance safety data sheet for ethylene oxide (non-mandatory)," as amended January 8, 1998.

(c) 29 CFR 1910.1047, appendix B "Substance technical guidelines for ethylene oxide (non-mandatory)," as in effect as of the effective date of these rules.

(d) 29 CFR 1910.1047, appendix C "Medical surveillance guidelines for ethylene oxide (non-mandatory)," as in effect as of the effective date of these rules.

(e) 29 CFR 1910.1047, appendix D "Sampling and analytical methods for ethylene oxide (non-mandatory)," as amended February 13, 1996.

(5) A reference to 29 CFR 1910.38 and 1910.39 means General Industry Safety and Health Standard Part 6. “Fire Exits.”

(6) A reference to 29 CFR 1910.132 and 1910.133 means General Industry Safety and Health Standard Part 33. “Personal Protective Equipment.”

(7) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. “Hazard Communication.”

(8) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection.”

(9) A reference to 29 CFR 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(10) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(11) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(12) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(13) The regulations adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(14) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(b) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(c) General Industry Safety and Health Standard Part 6. “Fire Exits,” R 408.10601 to R 408.10697.

(d) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(e) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

ADMINISTRATIVE RULES

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51451 of the Michigan Administrative Code is amended, as follows:

PART 306. FORMALDEHYDE

R 325.51451 Scope, application, adoption, and availability of standards.

Rule 1. (1) The rules in this part apply to exposures to any of the following:

- (a) Formaldehyde from any source.
- (b) Formaldehyde gas.
- (c) Formaldehyde solutions.
- (d) Materials that release formaldehyde.

(2) The rules in this part apply to all employment situations, including general industry and construction industry employment.

(3) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

- (a) 29 CFR 1910.1048 "Formaldehyde," as amended May 14, 2019.
- (b) 29 CFR 1910.1048, appendix A "Substance technical guidelines for formalin," as amended February 8, 2013.
- (c) 29 CFR 1910.1048, appendix B "Sampling strategy and analytical methods for formaldehyde," as in effect as of the effective date of these rules.
- (d) 29 CFR 1910.1048, appendix C "Medical surveillance – Formaldehyde," as in effect as of the effective date of these rules.
- (e) 29 CFR 1910.1048, appendix D "Nonmandatory Medical Disease Questionnaire," as amended May 14, 2019.

(4) A reference to 29 CFR 1910.132 and 1910.133 means all of the following:

- (a) General Industry Safety and Health Standard Part 33. "Personal Protective Equipment."

(b) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment.”

(5) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. “Hazard Communication.”

(6) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection.”

(7) A reference to 29 CFR 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(8) A reference to 29 CFR 1910.141 means General Industry Safety and Health Standard Part 474. “Sanitation.”

(9) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(10) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(11) The standards adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(12) The standards adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(13) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(b) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(c) General Industry Safety and Health Standard Part 474. “Sanitation,” R 325.47401 to R 325.47425.

(d) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(e) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(f) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH STANDARD

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These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51501 of the Michigan Administrative Code is amended, as follows:

PART 307. ACRYLONITRILE

R 325.51501. Scope, applicability, adoption, and availability of standards.

Rule 501. (1) The rules in this part apply to all occupational exposures to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in subrules (2) and (3) of this rule.

(2) The rules in this part do not apply to exposures that result solely from the processing, use, and handling of the following materials:

(a) Acrylonitrile-butadiene-styrene (ABS) resins, Styreneacrylonitrile (SAN) resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers in the form of finished polymers, including products fabricated from such finished polymers.

(b) Materials made from or containing AN, or both, for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations of more than 1 part per million (ppm) as an 8-hour, time-weighted average under the expected conditions of processing, use, and handling that-cause the greatest possible release.

(c) Solid materials made from or containing AN, or both, that will not be heated above 170 degrees Fahrenheit during handling, use, or processing.

(3) An employer who relies on the exemption in subrule (2)(b) of this rule shall maintain records of the objective data supporting that exemption and of the basis of the employer's reliance on the data, as provided in 29 CFR 1910.1045(q), which is adopted by reference in subrule (4) of this rule.

(4) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1910.1045, "Acrylonitrile," as amended May 14, 2019.

(b) 29 CFR 1910.1045, appendix A “Substance safety data sheet for acrylonitrile,” as amended January 8, 1998.

(c) 29 CFR 1910.1045, appendix B “Substance technical guidelines for acrylonitrile,” as in effect as of the effective date of these rules.

(d) 29 CFR 1910.1045, appendix C “Medical surveillance guidelines for acrylonitrile,” as in effect as of the effective date of these rules.

(e) 29 CFR 1910.1045, appendix D “Sampling and analytical methods for acrylonitrile,” as amended February 13, 1996.

(5) A reference to 29 CFR 1910.132, and 1910.133 means all of the following:

(a) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment.”

(b) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment.”

(6) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. “Hazard Communication.”

(7) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection.”

(8) A reference to 29 CFR 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(9) A reference to 29 CFR 1910.141 means General Industry Safety and Health Standard Part 474. “Sanitation.”

(10) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(11) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(12) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(13) The regulations adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(14) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 474. “Sanitation,” R 325.47401 to R 325.4725.

(b) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(c) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(d) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(e) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(f) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 24, 2021

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51601 of the Michigan Administrative Code is amended, as follows:

PART 308. INORGANIC ARSENIC

R 325.51601 Scope, applicability, adoption, and availability of standards.

Rule 601. (1) These rules apply to all occupational exposures to inorganic arsenic, except that they do not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives, or the utilization of arsenically preserved wood.

(2) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1910.1018 “Inorganic arsenic,” as amended May 14, 2019.

(b) 29 CFR 1910.1018, appendix A “Inorganic arsenic substance information sheet,” as amended May 14, 2019.

(c) 29 CFR 1910.1018, appendix B “Substance technical guidelines,” as in effect as of the effective date of these rules.

(d) 29 CFR 1910.1018, appendix C “Medical surveillance guidelines,” as amended May 14, 2019.

(3) A reference to 29 CFR 1910.133 means General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(4) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R325.60052.

(5) A reference to 29 CFR 1910.141 means General Industry Safety and Health Standard Part 474. “Sanitation,” R 325.47401 to 325.47425.

(6) A reference to 29 CFR 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(7) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(8) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(9) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(10) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(11) The regulations adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(12) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(b) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(c) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(d) General Industry Safety and Health Standard Part 474. “Sanitation,” R 325.47401 to R 325.47425.

(e) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51651 of the Michigan Administrative Code is amended, and R 325.51652 and R 325.51653 are rescinded, as follows:

PART 313. METHYLENE CHLORIDE

R 325.51651 Scope, applicability, adoption, and standards by reference standards.

Rule 1. (1) These rules apply to all occupational exposures to methylene chloride (MC), chemical abstracts service registry no. 75-09-2, in all industries covered by the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(2) These rules replace all references to methylene chloride contained in table G-2 in General Industry Safety and Health Standard Part 301. "Air Contaminants for General Industry.

(3) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules.

(a) 29 CFR 1910.1052 "Methylene Chloride," effective May 14, 2019.

(b) 29 CFR 1926.1152 "Methylene Chloride," effective January 10, 1997.

(4) All of the following provisions apply with respect to the regulations adopted in subrule (1) of these rules:

(a) A reference to 29 CFR 1910.120, "Hazardous waste operations and emergency response," means General Industry and Construction Safety Standard Part 432. "Hazardous Waste Operations and Emergency Response."

(b) A reference to 29 CFR 1910.133, "Eye and face protection," means General Industry Safety and Health Standard Part 433. "Personal Protective Equipment," General Industry Safety and Health Standard Part 33. "Personal Protective Equipment," and Construction Safety and Health Standard Part 6. "Personal Protective Equipment." as referenced in R 325.51653.

(c) A reference to 29 CFR 1910.1200 and 29 CFR 1926.59 "Hazard Communication," means Occupational Health Standard Part 430. "Hazard Communication," General Industry Safety Standard

Part 92. “Hazard Communication,” and Construction Safety Standard Part 42. “Hazard Communication.”

(d) A reference to 29 CFR 1910.1020 “Access to employee exposure and medical records,” means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(5) The provisions of 29 CFR 1910.1052 and 29 CFR 1926.1152 have the same force and effect as rules promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(6) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(7) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(8) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(9) Appendices A, B, and C, to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

(10) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.

(b) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(c) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(d) Construction Safety Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.

(e) General Industry Safety Standard Part 92. “Hazard Communication,” R 408.19201 to R 408.19204.

(f) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(g) General Industry Safety and Health Standard Part 301. “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

(h) General Industry and Construction Safety Standard Part 432. “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.

(i) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

R 325.51652 Rescinded.

R 325.51653 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.59001 of the Michigan Administrative Code is amended, as follows:

PART 590. SILICA IN GENERAL INDUSTRY

R 325.59001 Scope, application, adoption, and availability of standards.

Rule 59001. (1) This standard applies to all occupational exposures to respirable crystalline silica, except as follows:

(a) Construction work as covered by Construction Safety and Health Standard Part 690. "Silica in Construction."

(b) Agricultural operations covered under Occupational Health Standard Part 700. "Agriculture."

(c) Exposures that result from the processing of sorptive clays.

(2) This standard does not apply where the employer has objective data demonstrating that employee exposure to respirable crystalline silica will remain below 25 micrograms per cubic meter of air (25 $\mu\text{g}/\text{m}^3$) as an 8-hour time-weighted average (TWA) under any foreseeable conditions.

(3) This standard does not apply if the employer complies with Construction Safety and Health Standard Part 690. "Silica in Construction" and both of the following apply:

(a) The task performed is indistinguishable from a construction task listed on Table 1 in 29 CFR 1926.1153(c) of Construction Safety and Health Standard Part 690. "Silica in Construction."

(b) The task will not be performed regularly in the same environment and conditions.

(4) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1910.1053 "Respirable crystalline silica," as amended May 14, 2019.

(b) 29 CFR 1910.1053, appendix A "Methods of Sample Analysis," as amended March 25, 2016.

(c) 29 CFR 1910.1053, appendix B "Medical Surveillance Guidelines," as amended March 25, 2016.

(5) A reference to 29 CFR 1910.94 means Occupational Health Standard Part 520. “Ventilation Control.”

(6) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection.”

(7) A reference to 29 CFR 1910.1020, means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(8) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. “Hazard Communication.”

(9) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(10) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(11) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(12) The regulations adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(13) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(b) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(c) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(d) Occupational Health Standard Part 520. “Ventilation Control,” R 325.52001 to R 325.52012.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.47201 of the Michigan Administrative Code is amended, as follows:

PART 472. MEDICAL SERVICES AND FIRST AID

R 325.47201 Medical services and first aid.

Rule 7201. (1) An employer shall ensure the ready availability of medical personnel for advice and consultation on matters of plant health.

(2) An employer shall ensure that, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Adequate first aid supplies shall be readily available.

(3) An employer shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body of any person may be exposed to injurious or corrosive materials.

(4) In areas where 911 emergency dispatch services are not available, the telephone numbers of the physicians, hospitals, or ambulances shall be conspicuously posted.

(5) In areas where 911 emergency dispatch services are available and an employer uses a communication system for contacting necessary emergency-medical service, the employer must comply with subdivisions (a) and (b) subject to subdivision (c):

(a) Ensure that the communication system is effective in contacting the emergency-medical service.

(b) When using a communication system in an area that does not automatically supply the caller's latitude and longitude information to the 911 emergency dispatcher, the employer must post in a conspicuous location at the worksite either of the following:

(i) The latitude and longitude of the worksite.

(ii) Other location-identification information that communicates effectively to employees the location of the worksite.

(c) The requirement specified in subdivision (b) of this subrule does not apply to worksites with a readily available telephone that has 911 emergency service that automatically identifies the location of the caller.

ADMINISTRATIVE RULES

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(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.34001 of the Michigan Administrative Code is amended, and R 325.34005 and R 325.34010 are rescinded, as follows:

PART 340. BERYLLIUM

R 325.34001 Scope, application, adoption, and availability of standards.

Rule 4001. (1) This standard applies to occupational exposure to beryllium in all forms, compounds, and mixtures in general industry, except those articles and materials exempted by subrules (2) and (3) of this rule.

(2) This standard does not apply to articles, as defined in General Industry Standard Part 92. "Hazard Communication," that contain beryllium and that the employer does not process.

(3) This standard does not apply to materials containing less than 0.1% beryllium by weight where the employer has objective data demonstrating that employee exposure to beryllium will remain below the action level as an 8 hour TWA under any foreseeable conditions.

(4) The federal Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1910.1024, "Beryllium," as amended September 14, 2020, is adopted by reference in these rules.

(5) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.

(6) A reference to 29 CFR 1910.1020, "Access to employee exposure and medical records," means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets."

(7) A reference to 29 CFR 1910.134, "Respiratory Protection," means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(8) A reference to 29 CFR part 1910, subpart I, "Personal Protective Equipment," means General Industry Safety and Health Standard Part 33. "Personal Protective Equipment" or General Industry Safety and Health Standard Part 433. "Personal Protective Equipment."

(9) A reference to 29 CFR 1910.1200, “Hazard communication,” means Occupational Health Standard Part 430. “Hazard Communication.”

(10) A reference to 29 CFR 1910.141, “Sanitation,” means General Industry Safety and Health Standard Part 474. “Sanitation.”

(11) The OSHA regulation adopted in these rules is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules.

(12) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(13) The regulations adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(14) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(b) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(c) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(d) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(e) General Industry Safety and Health Standard Part 474. “Sanitation,” R 325.47401 to R 325.47425.

(f) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment,” R 325.60001 to R 325.60013.

R 325.34005 Rescinded.

R 325.34010 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 24, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.64001 of the Michigan Administrative Code is amended, as follows:

PART 640. BERYLLIUM IN CONSTRUCTION

R 325.64001 Scope, application, adoption, and availability of standards.

Rule 4001. (1) This standard applies to occupational exposure to beryllium in all forms, compounds, and mixtures in construction, except those articles and materials exempted by subrules (2) and (3) of this rule.

(2) This standard does not apply to articles, as defined in Construction Safety Standard Part 42. "Hazard Communication," that contain beryllium and that the employer does not process.

(3) This standard does not apply to materials containing less than 0.1% beryllium by weight where the employer has objective data demonstrating that employee exposure to beryllium will remain below the action level as an 8 hour TWA under any foreseeable conditions.

(4) The federal Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1926.1124 "Beryllium," as amended September 30, 2020, is adopted by reference in these rules.

(5) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(6) A reference to 29 CFR 1926.51, means Construction Safety and Health Standard Part 1. "General Rules."

(7) A reference to 29 CFR part 1926 subpart E, means Construction Safety and Health Standard Part 6. "Personal Protective Equipment."

(8) A reference to 29 CFR 1910.1200, means Construction Safety Standard Part 42. "Hazard Communication."

(9) A reference to 29 CFR 1910.134, means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(10) A reference to 29 CFR 1910.1020, means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(11) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(12) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909 8143.

(13) The regulations adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909 8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(14) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909 8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety and Health Standard Part 1. “General Rules,” R 408.40101 to R 408.40134.

(b) Construction Safety and Health Standard Part 6. “Personal Protective Equipment,”
R 408.40601 to R 408.40660.

(c) Construction Safety Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.

(d) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,”
R 325.60051 to R 325.60052.

(e) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

~~BOARD OF PHARMACY~~ - ANIMAL EUTHANASIA AND SEDATION RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by **section** ~~sections 16145(3) and 7333(8)~~ of **the public health code**, 1978 PA 368, MCL ~~333.16145(3) and 333.7333(8)~~ and Executive Reorganization Order Numbers **Nos. 1996-11991-9**, 1996-2, 2003-1, and 2011-4, MCL ~~330.3101~~ **338.3501**, 445.2001, 445.2011, and 445.2030)

R 338.3501, R 338.3502, R 338.3503, R 338.3504, R 338.3505, R 338.3506, R 338.3507, R 338.3509, R 338.3510, R 338.3511, R 338.3512, R 338.3513, R 338.3514, R 335.3515, R 338.3516, R 338.3517, R 338.3518, R 338.3520, R 338.3521, R 338.3522, and R 338.3523 of the Michigan Administrative Code are amended, and R 338.3508 and R 335.3519 are rescinded, as follows:

~~Part 1. General Provisions~~ **Part 1. GENERAL PROVISIONS**

R 338.3501 Definitions.

Rule 1. **(1)** As used in these rules:

~~—(a) “Administrator” means the board of pharmacy or its designated or established authority, as defined in section 7103 of the code.~~

(a) “Animal control shelter” means a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter that holds a current registration issued by the Michigan department of agriculture and rural development (MDARD).

(b) “Animal protection shelter” means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals that holds a current registration issued by MDARD.

~~(b)~~ **(c) “Code” means the public health code**, 1978 PA 368, MCL 333.1101 to 333.25211.

~~(c)~~ **(d) “Department” means the department of licensing and regulatory affairs (LARA).**

(e) “Euthanasia” means a method of killing that minimizes pain, distress, and anxiety experienced by the animal prior to loss of consciousness and causes rapid loss of consciousness followed by cardiac or respiratory arrest and death.

~~(d)~~ **(f) “Individual” means an animal control officer; law enforcement officer; a person who is under contract with an animal control shelter or an animal protection shelter; or, a person who is currently employed by an animal control shelter, an animal protection shelter, or a class B dealer, as used in these rules and sections section 7333(8)(9) to 7333(21) (19) of the code, MCL 333.7333.**

(g) “Sedation” means a state of central nervous system depression in which the animal is awake but calm, and with sufficient stimuli may be aroused.

(2) Unless otherwise defined in the rules, the terms defined in the code have the same meaning when used in these rules.

~~Part 2. Animal Euthanasia~~ PART 2. ANIMAL EUTHANASIA

R 338.3502 Animal euthanasia; **animal control shelters, animal protection shelters, class B dealers;** authorization to apply for permit.

Rule 2. (1) ~~Until December 31, 2021, An-an~~ animal control shelter or animal protection shelter ~~registered by the Michigan department of agriculture and rural development pursuant to 1969 PA 287, MCL 287.331 to 287.340, or a class b dealer licensed with the United States department of agriculture pursuant to 7 U.S.C. § 2134,~~ may apply for a permit to **buy, possess, store, handle, and use administer** a commercially prepared **solution of xylazine hydrochloride, or a commercially prepared, pre-mixed solution of sodium pentobarbital** to practice euthanasia on animals **pursuant to the training required in R 338.3507(1).**

(2) ~~An~~ animal control shelter or animal protection shelter ~~registered by the Michigan department of agriculture and rural development pursuant to 1969 PA 287, MCL 287.331 to 287.340, or a class b dealer~~ may apply for a permit to **buy, possess, store, handle, and use administer animal tranquilizers in addition to xylazine hydrochloride or** a commercially prepared, pre-mixed solution of sodium pentobarbital to practice euthanasia on animals **pursuant to the training required in R 338.3507(2).**

(3) ~~Until December 31, 2021,~~ a class B dealer may apply for a permit to buy, possess, store, handle, and administer a commercially prepared, pre-mixed solution of sodium pentobarbital to practice euthanasia on animals pursuant to the training required in R 338.3507(1).

(4) Beginning January 1, 2022, an animal control shelter, animal protection shelter, and class B dealer shall meet the training requirements in R 338.3507(2) in order to administer an animal tranquilizer or a commercially prepared, pre-mixed solution of sodium pentobarbital, to perform euthanasia on animals.

(5) Beginning January 1, 2022, an animal control shelter shall meet the training requirements in R 338.3507(2) in order to administer an animal tranquilizer to perform euthanasia on animals running at large that are dangerous or difficult to capture.

R 338.3503 Animal euthanasia; application for permit; ~~renewal.~~

Rule 3. (1) An animal control shelter, ~~or animal protection shelter, that holds a current registration issued by the Michigan department of agriculture and rural development or a class b B dealer licensed with the United States department of agriculture~~ shall apply **to the department for a permit under R 338.3502,** on a form provided by the ~~administrator~~ **department,** together with the requisite fee, ~~for a permit to store, handle, and use sodium pentobarbital. The application submitted to the administrator shall contain all of the~~ **which shall contain all of the** following information:

(a) The name, address, and ~~Michigan department of agriculture and rural development MDARD~~ registration number of the animal control shelter, ~~or animal protection shelter, or the U.S. department of agriculture~~ **USDA** license number of the class ~~b~~ **B** dealer.

(b) The name, address, and biographical data of the individual who is in charge of the day-to-day operation of the animal control shelter, animal protection shelter, or class ~~b~~ **B** dealer and who is responsible for the storage and recordkeeping of the **commercially prepared, pre-mixed solution of sodium pentobarbital and animal tranquilizers.**

(c) The name, address, and biographical data of the individual responsible for designating employees who will practice euthanasia pursuant to the code.

(d) **Until December 31, 2021, if the animal control shelter or animal protection shelter does not administer animal tranquilizers, other than xylazine hydrochloride, The the name and address of the each individual employee of the animal control shelter or the animal protection shelter and documentation from the trainer that he or she has certified to have completed received a minimum of 8 hours of training in the use of sodium pentobarbital to practice euthanasia, and the training required in R 338.3507(1).**

(e) The name of the veterinarian who trained each individual.

(f) **Beginning January 1, 2022, or as of the effective date of these rules, whichever is earlier, if a class B dealer chooses to administer an animal tranquilizer to perform euthanasia on animals, a class B dealer shall submit both of the following:**

(i) **The name and address of the class B dealer or an employee of the class B dealer and documentation from the trainer that he or she has completed the training required in R 338.3507(2).**

(ii) **The name of the individual in charge of the day-to-day operation of the class B dealer, and documentation from the trainer that the individual received and can document completion of the training described in R 338.3507(2).**

(g) **Beginning January 1, 2022, or as of the effective date of these rules, whichever is earlier, if an animal control shelter or an animal protection shelter chooses to administer animal tranquilizers in addition to xylazine hydrochloride or a commercially prepared, pre-mixed solution of sodium pentobarbital to practice euthanasia on animals, an animal control shelter or an animal protection shelter shall submit both of the following.**

(i) **The name and address of an employee and documentation from the trainer that the employee has completed the training required in R 338.3507(2).**

(ii) **The name of the individual in charge of the day-to-day operation and documentation from the trainer that the individual received and can document completion of the training described in R 338.3507(2).**

(2) A permit issued under this rule is valid for 2 years and may be renewed upon application to the ~~administrator~~ **department** and payment of the requisite fee.

R 338.3504 Permit for animal euthanasia; form; non-transferable; change in responsible person.

Rule 4. A permit issued by the ~~administrator~~ **department** shall ~~must~~ show the name and address of the facility and the name of the individual in charge of the day-to-day operation. The permit is not transferable. The ~~administrator~~ **permit holder shall notify the department** ~~shall be notified~~, in writing, within ~~40~~ **30** days of a change in the individual in charge of the day-to-day operation.

R 338.3505 Registration with United States ~~department~~ **Department of Justice** ~~Justice~~.

Rule 5. The facility shall obtain a registration, ~~in accordance with~~ **pursuant to** 21 C.F.R. part CFR 1301.11 **(2009)**, from the United States ~~department of justice, drug enforcement administration~~ **Department of Justice (DOJ) Drug Enforcement Administration (DEA)**, or its successor agency, before stocking, purchasing, or using ~~a controlled substance sodium pentobarbital~~ to practice euthanasia. Purchases shall ~~must~~ be made ~~in accordance with~~ **pursuant to** procedures established by the ~~drug enforcement administration~~ **DOJ DEA**.

R 338.3506 Animal euthanasia; trained personnel; notification of changes; documentation of training.

Rule 6. (1) If the animal control shelter, animal protection shelter, or class ~~B~~ **B** dealer has been issued a permit pursuant to **R 338.3502, R 338.3503, and section section 7333(8)(9) and (10)** of the code, **MCL**

333.7333, and does not employ an individual trained as described in **R 338.3507** and ~~section section~~ **7333(8)(9) and (10) of the code, MCL 333.7333, or as of January 1, 2022, does not have a manager in charge of the day-to-day operations that is trained pursuant to section 7333(9) and (10) of the code, MCL 333.7333**, then the animal control shelter, animal protection shelter, or class **B** dealer shall immediately notify the ~~administrator~~ **department**, and shall securely store and cease to administer any commercially-prepared, pre-mixed solution of sodium pentobarbital ~~or animal tranquilizer~~ until the ~~administrator~~ **department** is notified that either **both** of the following has occurred:

(a) ~~An individual trained as described in section 7333(8) of the code, has been hired by the facility.~~
The individual in charge of the day-to-day operation has been trained as described in R 338.3507 and he or she has submitted documentation of the training to the department.

(b) ~~An individual has been hired or An~~ an employee of the animal control shelter, or animal protection shelter, or the class **B** dealer facility has been trained as described in **R 338.3507** and ~~section section~~ **7333(8)(9) and (10) of the code, MCL 333.7333.**

(2) ~~The administrator~~ **permit holder** shall ~~be notified~~ **notify the department within 30 days** of any change in the name and address of the individual trained as described in ~~section section~~ **7333(8)(9) and (10) of the code, MCL 333.7333** ~~within 10 days of this change.~~

(3) **A permit holder shall comply with all of the following:**

(a) ~~Maintain A~~ a list of individuals ~~certified as having~~ **who have** received **the training required in these rules.**

(b) ~~Maintain a list of and the veterinarians who trained them~~ **each individual.**

(c) ~~shall be updated~~ **Update the lists required in this subrule in writing** every 6 months.

(d) ~~kept~~ **Keep the lists required in this subrule on the site of the class B dealer, animal control shelter, or animal protection shelter.**

(e) **Make the lists required in this subrule, and be available for inspection by the department or other authorized individual upon request.**

R 338.3507 Animal euthanasia; training of personnel.

Rule 7. (1) ~~An employee of an animal control shelter, animal protection shelter, or class b dealer who practices euthanasia on animals shall document~~ **An applicant for a permit pursuant to R 338.3502(1) or (3) shall comply with the following requirements:**

(a) ~~completion of a~~ **The applicant shall complete** a minimum of 8 hours of training ~~given by a licensed veterinarian in the use of~~ **commercially prepared, pre-mixed solution of** sodium pentobarbital.

~~—(2) (b) The Training applicant shall complete a training of the individual shall be under the instruction of given by~~ a veterinarian who is currently licensed in this state and is in good standing.

(c) **The applicant shall complete a** ~~The training shall include both~~ **that includes** lecture instruction, ~~and self-study instruction, and clinical experience.~~

(d) **The applicant shall complete a training a minimum, that requires him or her** ~~the individual shall~~ to demonstrate competency to ~~give intercardial~~ **administer intracardial**, intraperitoneal, and intravenous injections, ~~in addition to making and make~~ a positive determination of death.

(e) **The applicant shall show his or her proficiency in the use of commercially prepared, pre-mixed solution of sodium pentobarbital, and he or she may do so by completion of a self-assessment program, an evaluation approved by the board of veterinary medicine, or a self-assessment program or other evaluation that has been approved by MDARD.**

(2) **An applicant for a permit pursuant to R 338.3501(2) or (4) shall comply with the following requirements:**

(a) **The applicant shall complete a training consistent with section 7333(9)(c) and (10)(c) of the code, MCL 333.7333.**

(b) The applicant shall complete a training that has been approved by the state veterinarian.

(c) The applicant shall complete a training given by a veterinarian who is currently licensed in this state and is in good standing.

R 338.3508 Animal euthanasia; notification of completion of training; issuance of permit. ~~Rescinded.~~

~~Rule 8. Upon receiving notification of an individual's successful completion of the minimum of 8 hours of training from a licensed veterinarian, the department shall issue a permit to the animal control shelter, animal protection shelter, or class b dealer where the individual is employed. An individual's proficiency in the use of sodium pentobarbital may be shown by completion of a self-assessment program or other evaluation approved by the board of veterinary medicine. A self-assessment program or other evaluation that examines an individual's proficiency in the use of sodium pentobarbital that has been approved by the Michigan department of agriculture and rural development is deemed approved by the Michigan board of veterinary medicine. The permit is subject to the provisions of section 7333 of the code.~~

R 338.3509 Animal euthanasia; establish and maintain written procedures; monitoring continued proficiency and compliance.

Rule 9. (1) An animal control shelter, animal protection shelter, or class ~~b~~ **B** dealer shall establish and maintain written procedures for the administration of a commercially prepared, pre-mixed solution of sodium pentobarbital **and animal tranquilizers**. These procedures ~~shall~~ **must** be kept on the ~~licensed~~ **permitted** premises and ~~shall~~ **must** be available for inspection **by the department**.

(2) An individual's continued proficiency and compliance with written procedures by an animal control shelter, an animal protection shelter, or a class ~~b~~ **B** dealer, in addition to compliance with all rules and regulations, may be monitored by the ~~administrator~~ **department** ~~or the board of veterinary medicine~~.

R 338.3510 Animal euthanasia; retention of records regarding **receipt and administration** ~~dispensation~~ of sodium pentobarbital **and animal tranquilizers**.

Rule 10. (1) **The permit holder shall maintain separate records** ~~Records of the receipt of commercially prepared, pre-mixed solution of sodium pentobarbital and animal tranquilizers and dispensation the administration of a commercially prepared, pre-mixed solution of sodium pentobarbital shall be maintained and animal tranquilizers~~ at the animal control shelter, animal protection shelter, or by the class ~~b~~ **B** dealer.

(2) These records ~~shall~~ **must** include all of the following information pertaining to the **receipt of commercially prepared, pre-mixed solution of sodium pentobarbital and animal tranquilizers**:

- (a) The date of acquisition.
- (b) The quantity acquired.
- (c) The **name of the drug** ~~name~~.
- (d) The trade name of the drug.
- (e) The lot number and strength of a commercially prepared, pre-mixed solution of sodium pentobarbital **or animal tranquilizer**.

~~(f) (3) A complete record of the dispensation~~ **The records of the administration of the commercially prepared, pre-mixed solution of sodium pentobarbital or animal tranquilizer for the purpose of practicing euthanasia, that must include all of the following:**

- ~~(a) shows the~~ **The quantity used,**
- ~~(b) the~~ **The time and date it was administered** ~~dispensed,~~
- ~~(c) and the~~ **The name of the individual who administered the animal tranquilizer or pre-mixed solution of sodium pentobarbital.**

(d) **The full description of the animal to which the commercially prepared, pre-mixed solution of sodium pentobarbital or animal tranquilizer was administered, which includes all of the following:**

- (i) **The species of the animal.**
- (ii) **The breed of the animal.**
- (iii) **The sex of the animal.**
- (iv) **The age of the animal.**
- (v) **The approximate weight of the animal.**
- (vi) **The number associated with the animal if a numbering system is used.**

~~(2)~~ **(4) The permit holder shall record** ~~Records of receipt shall be kept~~ **of controlled substances** on drug enforcement administration (~~DOJ DEA~~) order forms pursuant to 21 ~~C.F.R.~~ **CFR part 1305 (2019)**. The Code of Federal Regulations, Title 21, Food and Drugs, **21 CFR part 1305** is available at no cost on the internet at <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=1305> ~~http://www.access.gpo.gov/nara/cfr~~. Printed copies of 21 ~~C.F.R.~~ **CFR part 1305** are available for inspection and distribution at ~~cost~~ **10 cents per page** from the Michigan Board of Pharmacy, Department of Licensing and Regulatory Affairs, **Bureau of Professional Licensing**, 611 West Ottawa, **P.O. Box 30670**, Lansing, Michigan 48909.

~~(3)~~ **(5) The permit holder shall maintain records** ~~Records of dispensation administration shall be kept~~ **of controlled substances** pursuant to 21 ~~C.F.R.~~ **CFR part 1304 (2019)**. The Code of Federal Regulations, Title 21, Food and Drugs, **21 CFR part 1304** is available at no cost on the internet at <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=1304> ~~http://access.gpo.gov/nara/cfr~~. Printed copies of 21 ~~C.F.R.~~ **CFR part 1304** also are available for inspection and distribution to the public at ~~cost~~ **10 cents per page** from the Michigan Board of Pharmacy, the Department of Licensing and Regulatory Affairs, **Bureau of Professional Licensing**, 611 West Ottawa, **P.O. Box 30670**, Lansing, Michigan 48909.

~~(4)~~ **(6) Permit holders shall keep** ~~Records shall be kept~~ **records** for a period of 2 years and shall ~~make them be~~ available for inspection by the department or other authorized individual **upon request**.

R 338.3511 Storage of ~~sodium pentobarbital~~ **drugs used for euthanasia on animals**.

Rule 11. An animal control shelter, an animal protection shelter, ~~or~~ **and** a class ~~B~~ **B** dealer shall store all ~~stocks of sodium pentobarbital~~ **drugs used for euthanasia on animals** in a securely locked, substantially constructed cabinet located in the facility, with access limited to the individuals described in R 338.3503(b) ~~and (c), (d), and (f)~~.

R 338.3512 Inspections.

Rule 12. The department may conduct an inspection of an animal control shelter, an animal protection shelter, or a class ~~B~~ **B** dealer before a permit is issued. The department or authorized individual may make periodic, additional, unannounced inspections.

PART 5 3. ANIMAL SEDATION

R 338.3513 Animal sedation; authorization to apply for permit; ~~renewal~~.

Rule 13. (1) An animal control shelter ~~or animal protection shelter registered by the Michigan department of agriculture and rural development pursuant to 1969 PA 287, MCL 287.331 to 287.340,~~ may apply, ~~on a form provided by the administrator, together with the requisite fee,~~ for a permit to **buy, possess, store, handle, and use administer** a commercially-prepared **solution of only xylazine**

~~hydrochloride and federally approved animal tranquilizer to sedate or immobilize, feral, wild, difficult to handle, or other animals for euthanasia, or to tranquilize an animal running at large that is dangerous or difficult to capture pursuant to the training required in R 338.3518(1).~~

(2) An animal control shelter may apply for a permit to buy, possess, store, handle, and administer animal tranquilizers to sedate or immobilize an animal running at large that is dangerous or difficult to capture pursuant to the training required in R 338.3518(2).

(3) Beginning January 1, 2022, an individual in charge of the day-to-day operations of an animal control shelter shall meet the training requirements in R 338.3518(2) in order to administer any animal tranquilizers on animals running at large that are dangerous or difficult to capture.

~~(2) (4)~~ **(4)** A permit issued under ~~this subrule (1)~~ of this rule is valid for 2 years and may be renewed upon application to the ~~administrator~~ **department** and payment of the requisite fee.

R 338.3514 Animal sedation; application for permit.

Rule 14. An animal control shelter ~~or animal protection shelter holding a current registration issued by the Michigan department of agriculture and rural development~~ shall apply, on a form provided by the ~~administrator~~ **department**, for a permit to **buy, possess, store, handle, and use administer** animal tranquilizers. ~~to sedate or immobilize an animal, to the department, together with the requisite fee.~~

The application must

~~The application submitted to the administrator shall contain~~ **contain** all of the following information:

(a) The name, address, and ~~MDARD Michigan department of agriculture and rural development~~ registration number of the animal control shelter ~~or animal protection shelter~~.

(b) The name, address, and biographical data of the individual who is in charge of the day-to-day operation of the animal control shelter ~~or animal protection shelter~~ and who is responsible for the storage and recordkeeping of the animal tranquilizing drugs.

(c) The name, address, and biographical data of the individual responsible for designating employees who will practice tranquilizing pursuant to the ~~act~~ **code**.

~~(d) Until December 31, 2021, The if only xylazine hydrochloride is used to sedate or immobilize an animal, the name and address of each individual certified employee and documentation from the trainer that he or she has completed the training required in R 338.3518(1) to have received a minimum of 16 hours of approved training, including 3 hours of practical training, in the use of animal tranquilizers to sedate feral, wild, difficult to handle, or other animal for euthanasia, or to tranquilize an animal running at large that is dangerous or difficult to capture, and the name of the veterinarian who trained each individual, as required under section 7333(14)(c) of the code.~~

(e) The name of the veterinarian who trained each employee.

(f) Beginning January 1, 2022, or as of the effective date of the rules, whichever is earlier, if animal tranquilizers other than xylazine hydrochloride are used to sedate or immobilize animals, the name and address of the employee and documentation from the trainer that he or she has completed the training required in R 338.3518(2).

(g) Beginning January 1, 2022, the name of the individual in charge of the day-to-day operation of the animal control shelter and documentation from the trainer that he or she has received and can document completion of the training described in R 338.3518(2).

~~(e) (h)~~ **(h)** If the trained individual is under contract with the shelter to perform tranquilizing services, all of the following ~~shall~~ **must** be provided:

(i) An application indicating that tranquilizing services are being performed under contract.

(ii) The name and address of the employment agency with whom the services are being offered under a contract.

(iii) The name of the individual responsible for each individual under contract with the shelter.

R 338.3515 Permit for animal sedation; form; non-transferable; change in responsible person.

Rule 15. A permit issued by the ~~administrator~~ **department** shall ~~must~~ show the name and address of the facility and the name of the person in charge of the day-to-day operation. This permit is not transferable. The ~~administrator~~ **permit holder** shall **notify the department** ~~be notified~~, in writing, within ~~10-30~~ days of a change in the person in charge of the day-to-day operation.

R 338.3516 Registration with United States department of justice.

Rule 16. The facility shall obtain a registration, ~~in accordance with~~ **pursuant to** 21 C.F.R. part **CFR** 1301.11 **(2009)**, from the ~~United States department of justice, drug enforcement administration~~ **DOJ DEA**, or its successor agency, when required by the ~~drug enforcement agency~~ **DOJ DEA**, before stocking, purchasing, and using animal tranquilizers **a controlled substance**. Purchases shall **must** be made ~~in accordance with~~ **pursuant to** procedures established by the ~~drug enforcement administration~~ **DOJ DEA**.

R 338.3517 Animal sedation; trained personnel; notification of changes; documentation of training.

Rule 17. (1) If an animal control shelter ~~or animal protection shelter~~ has been issued a permit pursuant to **R 338.3513, R 338.3514, and** section 7333~~(14)~~ **(16)** and to ~~(15)~~ **(19)** of the code, **MCL 333.7333**, and does not employ an individual trained as described in **R 338.3518 and in** section 7333~~(14)(c) or (15)(c)~~ **(16) to (19) of the code, MCL 333.7333**, then the animal control shelter ~~or animal protection shelter~~ shall immediately notify the ~~administrator~~ **department**, and shall securely store and cease to administer the animal tranquilizer until the ~~administrator~~ **department** is notified that ~~either~~ **both** of the following has occurred:

(a) An individual trained as described in section 7333~~(14)(c)~~ **16(c), (d), or (f)** ~~or (15)(c)~~ of the code, **MCL 333.7333**, has been hired by the facility.

(b) An employee of the facility has been trained as described in section 7333~~(14)(c)~~ **16(c) or (f)** ~~or (15)(c)~~ of the code **MCL 333.7333**.

(2) The ~~permit holder~~ **administrator** shall ~~be notified~~ **notify the department within 30 days** of any change in the name and address of the individual trained as described in section 7333~~(14)(c)~~ **16(c), (d), or (f)** ~~(15)(c)~~ of the ~~act~~ **code, MCL 333.7333** ~~within 10 days of training~~.

(3) A **permit holder** shall **comply with all of the following**:

(a) **Maintain a** ~~The list of individuals certified as having~~ **who have received the training required in these rules.**

(b) **Maintain a list of** ~~and the veterinarian or veterinarians who trained them,~~ **each individual.**

(c) ~~as well as~~ **Maintain** documentation that the training has been approved by the ~~Michigan board of veterinary medicine,~~ **state veterinarian.**

(d) ~~shall be updated in writing~~ **Update the lists required in this subrule** every 6 months.

(e) ~~kept~~ **Keep the lists required in this subrule on the site,** ~~of the animal control shelter.~~

(f) **Make the lists and required in this section** available for inspection **by the department or other authorized individual upon request.**

R 338.3518 Animal sedation; training of personnel.

Rule 18. (1) **An applicant for a permit pursuant to R 338.3513(1)** ~~An individual who practices sedation on animals~~ shall **comply with the following requirements**:

(a) ~~document completion~~ **The applicant shall complete a minimum** of 16 hours of approved training; .

(b) The applicant shall complete a training that includes not less than including 3 hours of practical training, in the use of animal tranquilizers. ~~given by a licensed veterinarian, as required under section 7333(14)(c) of the code.~~

~~(2) (c) Training~~ **The applicant shall complete a training** of the individual shall be under the instruction of a doctor of ~~given by a veterinary medicine veterinarian~~ **veterinarian who is** currently licensed in this state and **is** in good standing.

~~(d) The~~ **The applicant shall complete a training** ~~shall include~~ **that includes** all of the following:

- ~~(a) (i)~~ **(i)** Lecture and clinical experience.
- ~~(b) (ii)~~ **(ii)** Instruction about types of commercially-prepared, federally-approved animal tranquilizers currently available, as well as their drug reversals.
- ~~(c) (iii)~~ **(iii)** Proper doses of tranquilizing drugs for each species for which the drugs are approved and drug dosage calculating.
- ~~(d) (iv)~~ **(iv)** Administration techniques for the animal tranquilizers and their reversals.
- ~~(e) (v)~~ **(v)** Drug contraindications and precautions.
- ~~(f) (vi)~~ **(vi)** ~~Animal monitoring~~ **Monitoring** techniques for tranquilized animals.
- ~~(g) (vii)~~ **(vii)** Methods for identifying and handling drug-related emergencies.

~~(3) (e)~~ **The applicant shall complete a training in the use of animal tranquilizers that has been approved by the board of veterinary medicine or MDARD prior to the start of the training.** An outline of the training shall be presented to the Michigan board of veterinary medicine for written approval. ~~prior to the start of training.~~

(f) The applicant shall submit documentation to the department with his or her application for a permit that the training has been approved by the board of veterinary medicine or MDARD.

~~Training in the use of animal tranquilizers that has been approved by the Michigan department of agriculture and rural development is deemed approved by the Michigan board of veterinary medicine. Documentation that the individual's training has been approved by the Michigan department of agriculture and rural development shall be submitted to the Michigan Department of Licensing and Regulatory Affairs with the application for a permit.~~

(g) Until January 1, 2022, an applicant shall show his or her proficiency by completion of a self-assessment program or other evaluation approved by the board of veterinary medicine.

(2) An applicant for a permit pursuant to R 338.3513(2) or (3) shall comply with the following requirements:

(a) The applicant shall complete a training consistent with section 7333(16)(c) of the code, MCL 333.7333.

(b) The applicant shall complete a training that has been approved by the state veterinarian.

(c) The applicant shall complete a training given by a veterinarian who is currently licensed in this state and is in good standing.

~~R 338.3519 Animal sedation; notification of completion of training; issuance of permit. **Rescinded.**~~

~~—Rule 19. Upon receiving notification of an individual's successful completion of the minimum 16 hours of approved training from a licensed veterinarian, the department shall issue a permit to the animal control shelter or the animal protection shelter. An individual's proficiency may be shown by completion of a self-assessment program or other evaluation by the board of veterinary medicine.~~

~~R 338.3520 Animal sedation; establish and maintain written procedures; monitoring continued proficiency and compliance.~~

~~Rule 20. (1) An animal control shelter or animal protection shelter shall establish and maintain written procedures for the administration of animal tranquilizers. These procedures shall~~ **must** ~~be kept on the licensed~~ **permitted** ~~premises and shall~~ **must** ~~be available for inspection by the department.~~

(2) An individual's continued proficiency and a shelter's compliance with written procedures, in addition to compliance with all rules and regulations, may be monitored by the ~~administrator~~ **department or the board of veterinary medicine.**

R 338.3521 Animal sedation; retention of records for **receipt and administration** ~~dispensation~~ of tranquilizing drugs.

Rule 21. (1) ~~Records~~ **The permit holder shall maintain separate records** of the receipt of animal tranquilizers and ~~dispensation~~ **administration** of animal tranquilizers shall be maintained at the animal control shelter ~~or animal protection shelter.~~

(2) The **receipt of animal tranquilizer** records ~~shall~~ **must** include all of the following information pertaining to an animal tranquilizer:

- (a) The date of acquisition.
- (b) The quantity acquired.
- (c) The drug name.
- (d) The trade name **of the drug.**
- (e) The lot number and strength of the animal tranquilizer.
- (f) ~~(3) A complete record of the~~ **The dispensation administration** of the animal tranquilizer **records must include all of the following:**
 - ~~(a) that shows the~~ **The** quantity used,
 - ~~(b) the~~ **The** time and date it was **administered** ~~dispensed.~~
 - ~~(c) the~~ **The** name of the **individual who administered the drug** ~~administering individual.~~
 - ~~(d) and a~~ **The** full description of the animal to which the animal tranquilizer was administered, which includes all of the following:
 - (i) The species of the animal.
 - (ii) The breed of the animal.
 - (iii) The sex of the animal.
 - (iv) The age of the animal.
 - (v) The approximate weight of the animal.
 - (vi) The number associated with the animal if a number system is used.**

(4) The permit holder shall record receipt of controlled substances on DOJ DEA order forms pursuant to 21 CFR part 1305 (2019). 21 CFR part 1305 is available at no cost on the internet at <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?CFRPart=1305>. Printed copies of 21 CFR part 1305 are available for inspection and distribution at 10 cents per page from the Michigan Board of Pharmacy, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

~~(2)~~ (5) ~~Records~~ **The permit holder shall maintain records** of ~~dispensation~~ **administration** for controlled ~~drugs~~ **substances** shall be kept pursuant to 21 ~~C.F.R. part~~ **CFR part 1304 (2019)**. The ~~code of federal regulations title 21, food and drugs,~~ **CFR part 1304** is available at no cost on the internet at <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?CFRPart=1304> <http://www.gpoaccess.gov/nara/cfr>. Printed copies of 21 ~~C.F.R. part~~ **CFR part 1304** are available for inspection and distribution at ~~cost~~ **10 cents per page** from the Michigan Board of Pharmacy, the Department of Licensing and Regulatory Affairs, **Bureau of Professional Licensing**, 611 West Ottawa, **P.O. Box 30670, Lansing, MI Michigan, 48909.**

~~(3)~~ (6) ~~Records~~ **Permit holders shall keep records** shall be kept for a period of 2 years and shall be **make them** available for inspection by the department or other authorized official **individual upon request.**

R 338.3522 Storage of animal tranquilizers.

Rule 22. All stocks of the ~~controlled and noncontrolled~~ animal tranquilizers ~~shall~~ **must** be stored in a securely locked, substantially constructed cabinet located in the facility, with access limited to the individuals described in R 338.3514(b) ~~and (d)~~.

R 338.3523 Inspections.

Rule 23. The department may conduct an inspection of an animal control shelter ~~or animal protection shelter~~ before a permit is issued. The department or other authorized official may periodically make additional, unannounced inspections.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Board of Pharmacy- Animal Euthanasia and Sedation Rules
Rule Set 2019-86 LR

NOTICE OF PUBLIC HEARING
Wednesday, April 21, 2021
09:00 AM

The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19) and Ingham County Resolution #21. All members of the public may attend and participate in this meeting by visiting the following web link or dialing the number below at the time of the meeting. Web Link: <https://us02web.zoom.us/j/85628384204?pwd=c0I0S1MyeVZGeTU5Yzh1SVY2R3NvQT09>

Password for video connection: 821777 Phone number: 877-336-1831
Conference Code for audio connection: 486917
<https://us02web.zoom.us/j/85628384204?pwd=c0I0S1MyeVZGeTU5Yzh1SVY2R3NvQT09>

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Board of Pharmacy- Animal Euthanasia and Sedation Rules rule set.

The proposed rules will modify the regulatory mechanism for animal control shelters, animal protection shelters, and Class B dealers who administer tranquilizers and euthanize animals with the goal of more humanely handling animals to minimize pain and distress. The proposed rules will require managers and employees of animal control shelters, animal protection shelters, and Class B dealers who acquire, store, and administer tranquilizing or euthanizing drugs to receive additional training in administering tranquilizers and euthanizing animals. The proposed rules will require that the training be approved by the state veterinarian who has determined that the training must comply with the American Veterinary Medical Association's guidelines for euthanasia of animals. The proposed rules will require record keeping as the drugs used in these procedures are controlled substances.

By authority conferred on the Department of Licensing and Regulatory Affairs, MCL 333.16145, 333.16148, 333.7333, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030. The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 4/15/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: By contacting Board Support at (517) 241-7500 or email BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 4/21/2021 at 05:00PM.

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing– Boards and Committees, Attention: Policy Analyst
[Email: BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov)
P.O. Box 30670 Lansing, MI 48909-8170

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available.

Anyone needing assistance to take part in the hearing due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PODIATRIC MEDICINE AND SURGERY – GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16178, 16182, 16186, 16204, 16205, 16287, 18031, and 18033 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16178, 333.16182, 333.16186, 333.16204, 333.16205, 333.16287, 333.18031, and 333.18033, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.8103, R 338.8107, R 338.8109, R 338.8110, R 338.8113, R 338.8127, and R 338.8128 of the Michigan Administrative Code are amended and R 338.8102a is rescinded as follows:

PART 2. LICENSURE

R 338.8102a ~~Minimum English language standard.~~ **Rescinded.**

~~Rule 102a.—An applicant for initial licensure shall demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside of the United States. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she obtained a total score of not less than 80 on the Test of English as a Foreign Language Internet-Based Test administered by the Educational Testing Service.~~

R 338.8103 Licensure by examination; requirements.

Rule 103. An applicant for licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board in R 338.8113.

(b) Have achieved a passing score on the required parts of the American Podiatric Medical Licensing Examination (APMLE) sponsored by the National Board of Podiatric Medical Examiners (NBPME) as required by R 338.8104(4).

(c) Have achieved a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.

(i) The jurisprudence examination shall assess an applicant's knowledge of the laws and administrative rules governing the practice of podiatric medicine and surgery in this state.

(ii) An applicant who fails to achieve a passing score on the jurisprudence examination may repeat the examination without limitation.

(d) Have satisfactorily completed ~~either of the following:~~

~~—(i) At not least 2 years less than 3 years~~ of a postgraduate residency program approved by the board pursuant to R 338.8113. Certification of completion of postgraduate training must be submitted to the department not more than 15 days before completion of the training.

~~—(ii) Until January 31, 2020, at least 1 year of a preceptorship program approved by the board. Certification of completion of the preceptorship training must be submitted to the department not more than 15 days before completion of the training.~~

R 338.8107 Licensure by endorsement; requirements.

Rule 107. (1) An applicant for licensure by endorsement **shall hold a current license in good standing from another state.**

(2) **An applicant** shall submit a completed application, on a form provided by the department, together with the requisite fee.

~~(2)~~ (3) An applicant for licensure by endorsement shall achieve a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.

~~(3)~~ (4) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for a minimum of ~~10~~ 2 years before the date of filing an application for Michigan podiatric medical licensure, it is presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186(1)(a) and (b).

~~(4)~~ (5) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for less than ~~10~~ 2 years before the date of filing an application for Michigan podiatric medical licensure, the applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board pursuant to R 338.8113.

(b) Have satisfactorily completed **not less than 3 years** of a postgraduate residency approved by the board pursuant to R 338.8113.

(c) Have achieved a passing score on each part of the APMLE as required by R 338.8104.

~~(5)~~ (6) An applicant's license **in good standing must shall** be verified, by the licensing agency of any state of the United States in which the applicant holds ~~a current license~~ or ever held a license as a podiatrist. The verification must include the record of any disciplinary action taken or pending against the applicant.

R 338.8109 Educational limited licenses; limited license renewal.

Rule 109. (1) An educational limited license authorizes the holder of the license to engage in the practice of podiatric medicine and surgery as part of a postgraduate education program.

(2) An applicant for an educational limited license shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board pursuant to R 338.8113.

(b) If the applicant graduated in 2014 or earlier, or graduated in 2016, have achieved a passing score on all of the following components of the APMLE:

(i) Part I.

(ii) Part II.

(c) If the applicant graduated in 2015 or later, excluding 2016, have achieved a passing score on all of the following components of the APMLE:

- (i) Part I.
- (ii) Part II.
- (iii) Part II CSPE.

(d) ~~Either of the following:~~

~~—(i) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies R 338.8113(2).~~

~~(ii) Until November 13, 2019, have been appointed to a 1-year preceptorship program that is approved by the board.~~

(3) A limited license is renewable for not more than 5 years pursuant to section 333.18012(2) of the code, MCL 333.18012(2).

R 338.8110 Requirements for relicensure after lapse.

Rule 110. An applicant whose license has been lapsed may be relicensed under section 16201(3) or (4) of the code, as applicable, MCL 333.16201(3) ~~or (4)~~, if the applicant satisfies the following requirements as indicated by a (√) below:

(1) For a podiatrist who has let his or her Michigan license lapse and is not currently licensed in another state or Canada .		Lapsed 3 years or less.	Lapsed more than 3 years.
(a)	Application and fee: Submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: Establish that he or she is of good moral character as defined in 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174(3).		√
(d)	Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following: (i) At least Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d). (iii) At least Not less than 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e). The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date the department received the application to complete the deficient hours.	√	√

(e)	Examination: Achieve a score 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department.	√	√
(f)	Examination: Achieve a passing score on part III of the APMLE sponsored by the NBPME or its successor.		√
(g)	Proof of license verification: An applicant's license in good standing must shall be verified by the licensing agency of each state of the United States jurisdiction in which the applicant has ever held a license as a podiatrist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

(2) For a podiatrist who has let his or her Michigan license lapse and is currently licensed in another state or Canada .		Lapsed 3 years or less.	Lapsed more than 3 years.
(a)	Application and fee: Submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: Establish that he or she is of good moral character as defined by 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174(3).		√
(d)	Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following: (i) At least Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d). (iii) At least Not less than 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e). The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2	√	√

	years from the date the department received the application to complete the deficient hours.		
(e)	Examination: Achieve a score of 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department.	√	√
(f)	Proof of license verification: An applicant's license in good standing must shall be verified by the licensing agency of each state of the United States jurisdiction in which the applicant holds or has ever held a license as a podiatrist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

PART 3. EDUCATIONAL AND RESIDENCY PROGRAMS

R 338.8113 Accreditation standards for approval of schools of podiatric medicine and residency programs; institutions of higher education; adoption of standards by reference.

Rule 113. (1) The board approves and adopts by reference the standards for accrediting colleges of podiatric medicine developed and adopted by the Council on Podiatric Medical Education (CPME) of the American Podiatric Medical Association (APMA) and entitled "Standards and Requirements for Accrediting Colleges of Podiatric Medicine," CPME 120, ~~October 2014~~ **adopted October 2019, implementation date July 1, 2020**. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at a cost of **10 cents per page** from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, ~~MI~~ **Michigan** 48909. The board considers any school of podiatric medicine accredited by the CPME of the APMA as a school of podiatric medicine approved by the board.

(2) The board approves and adopts by reference the standards for approval of residency programs developed and adopted by the CPME of the APMA entitled "Standards and Requirements for Approval of Podiatric Medicine and Surgery Residencies," CPME 320, July 2015. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at a cost of **10 cents per page** from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, ~~MI~~ **Michigan** 48909. The board considers any residency program approved by the CPME of the APMA as a school of podiatric medicine approved by the board.

(3) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the CHEA, effective June 28, 2010, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR Part 602. Copies of the standards and criteria of the CHEA and the United States Department of Education are available for

inspection and distribution at a cost of **10 cents per page** from the Board of Podiatric Medicine and Surgery, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, ~~MI~~ **Michigan** 48909. The CHEA recognition standards also may be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria also may be obtained at no cost from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html>.

PART 4. CONTINUING EDUCATION

R 338.8127 Acceptable continuing education; requirements; limitations.

Rule 127. (1) The 150 hours of continuing education required pursuant to R 338.8126(1) for the renewal of a license shall comply with the following, as applicable:

(a) Not more than 12 credit hours must be earned during one 24-hour period.

(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that renewal period.

(c) An applicant for license renewal shall have earned ~~at least~~ **not less than** 3 continuing podiatric medical education hours in pain and symptom management in each renewal period pursuant to ~~section~~ **sections 16204(2) and 18033(2)** of the code, MCL 333.16204(2) and **333.18033**. Courses in pain and symptom management may include, but are not limited to, any of the following as they relate to professional practice:

- (i) Courses in behavior management.
- (ii) Pharmacology.
- (iii) Behavior modification.
- (iv) Stress management.
- (v) Clinical applications.
- (vi) Drug interventions.

(d) **Beginning September 4, 2020, Effective 1 year or more after the date this rule was amended,** an applicant for license renewal shall have earned at least 1 continuing podiatric medical education hour in medical ethics.

(e) **Beginning September 4, 2020, Effective 1 year or more after the date this rule was amended,** an applicant for license renewal shall have earned ~~at least~~ **not less than** 2 continuing podiatric medical education hours in controlled substances prescribing. This is in addition to the continuing education required by subdivision (c) of this subrule.

~~(2) One half of the 150 hours of continuing podiatric medical education credit in board approved courses or programs that are required for the renewal of a license may be earned through online or electronic media, such as videotapes, internet web-based seminars, video conferences, online continuing education programs, and online journal articles.~~

~~(3)~~ **(2)** The board shall consider the following as acceptable continuing education:

Activity Code	Acceptable Continuing Education Activities and Proof of Completion	Number of Continuing Education Hours Granted/Permitted for Each Activity
A	Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education,	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization.

	administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs offered by a sponsor accredited or approved by the CPME. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	A minimum of 75 hours must be earned in each renewal period, unless all 150 hours are earned in Category N.
B	Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs approved by either of the following: • The Michigan board of podiatric medicine and surgery, pursuant to R 338.8128. • Another state or provincial board of podiatric medicine and surgery. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization. If the activity was not approved for a set number of hours, then 1 credit hour for each 50 to 60 minutes of participation may be earned. A maximum of 75 hours may be earned for this category in each renewal period.

	organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	
C	Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs accredited, approved, or offered by either any of the following: • The Accreditation Council for Continuing Medical Education. • The American Medical Association. • The American Osteopathic Association. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization. A maximum of 40 hours may be earned in this category in each renewal period.
D	Obtaining specialty board certification from 1 of the following: • American Board of Podiatric Medicine (ABPM). • American Board of Foot and Ankle Surgery (ABFAS). • American Board of Multiple Specialties in Podiatry (ABMSP).	Fifty hours of continuing education may be earned in the year the applicant is advised of passing the certification examination.

	- American Board of Lower Extremity Surgery (ABLES). - American Board of Wound Management (ABWM). If audited, a licensee shall submit proof of certification.	
E	Obtaining specialty board recertification from 1 of the following: - ABPM. - ABFAS. - ABMSP. - ABLES. - ABWM. If audited, a licensee shall submit proof of recertification.	Thirty hours of continuing education may be earned in the year the applicant is advised of passing the recertification examination.
F	Serving as an instructor of podiatric medical students, house staff, other physicians, or allied health professionals in a hospital or institution that offers a postgraduate training program that is approved by the board pursuant to R 338.8113, if the hospital or institution has approved the instruction. If audited, a licensee shall submit a letter from the program director verifying the licensee's role.	Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor. A maximum of 50 hours of continuing education may be earned in this category each renewal period.
G	Serving as an instructor of podiatric students at an accredited podiatric medical institution under a rotating externship program recognized and approved by the medical institution in accordance with R 338.8113. If audited, a licensee shall submit a letter from the sponsoring podiatric institution verifying the licensee's role.	Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor. A maximum of 50 hours may be earned in this category in each renewal period.
H	Initial publication of an article related to the practice of podiatric medicine and surgery in a peer-reviewed journal.	Twenty-five hours of continuing education is granted per publication. A maximum of 75 hours may be earned in this category in each

	If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	renewal period.
I	Initial publication of a chapter related to the practice of podiatric medicine and surgery in either of the following: • A professional or health care textbook. • A peer-reviewed textbook. If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Fifty hours of continuing education is granted per publication. A maximum of 50 hours may be earned in this category in each renewal period.
J	Initial presentation of a scientific exhibit, a formal original scientific paper, or both, at a professional meeting. If audited, a licensee shall submit a copy of the document presented with evidence of presentation and a log indicating time spent in preparation or a letter from the program sponsor verifying the length and date of the presentation and a log indicating time spent in preparation.	Two hours of continuing education is granted for each 50 to 60 minutes of presentation and preparation. A maximum of 30 hours may be earned in this category each renewal period.
K	Independent study, which is the independent reading of peer-reviewed professional journals or medical textbooks. If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in these activities and a bibliography listing the journal, article, author or authors, publication date, and date read.	One hour of continuing education is granted for each 50 to 60 minutes of participation. A maximum of 30 hours may be earned in this category in each renewal period.
L	Completion of a multi-media program that requires a licensee to complete a self-assessment component, including, but not limited to, videotapes, internet web-based seminars, video conferences, on-line continuing education programs, and journal	One hour of continuing education is granted for each 50 to 60 minutes of participation. A maximum of 30 hours may be earned in this category each renewal period.

	articles. This does not include multi-media programs that satisfy the requirements of activity codes A, B, or C. A self-assessment component includes, but is not limited to, a post-test or other evaluation instrument that assesses the knowledge an individual gained after completing an activity. If audited, a licensee shall submit a certificate of self-assessment provided by the program sponsor.	
M	Participation on a hospital staff committee dealing with quality patient care or utilization review, or both. If audited, a licensee shall submit a letter from an organization official verifying the licensee's participation and the number of hours the licensee spent participating on the committee.	One hour of continuing education is granted for each 50 to 60 minutes of participation. A maximum of 30 hours may be earned in this category each renewal period.
N	Full-time enrollment in a postgraduate clinical training program related to the practice of podiatric medicine and surgery in a hospital or institution that is approved by the board pursuant to R 338.8113. If audited, a licensee shall submit a letter from the program director verifying the licensee participated in the program.	A minimum of 5 months participation per year is required. Fifty hours of continuing education is granted for each year of full-time enrollment. A maximum of 150 hours may be earned in this category each renewal period.

R 338.8128 Continuing education programs; adoption of standards by reference; board approval.

Rule 128. (1) The board approves and adopts by reference the standards for approving sponsors of continuing education developed and adopted by the CPME of the APMA entitled, "Standards, ~~and Requirements, and Guidelines for Approval of Sponsors~~ **Providers** of Continuing Education in Podiatric Medicine," CPME 720, ~~January 2015~~ **adopted October 2019, implementation date: July 1, 2020**. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements is also available for inspection and distribution at a cost of **10 cents per page** from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, ~~MI~~ **Michigan** 48909.

(2) A continuing education program approved by the CPME is considered approved by the board.

(3) The board ~~or authorized committee~~ shall consider requests for approval of individual continuing education programs. A sponsor shall submit an application and information regarding the program or activity to the department ~~at least~~ **not less than** 60 days before the program or activity is held. For

purposes of this rule, 1 credit of continuing education is defined as 50 to 60 minutes of program attendance or participation in an activity.

(4) The board ~~or authorized committee~~ shall evaluate applications for approval based upon all of the following:

(a) The content of a program or activity must enhance the skills, knowledge, and practice of podiatric medicine and surgery.

(b) The sponsor shall provide an outline of the program or activity that includes a statement of educational goals or measurable behavioral objectives, or both.

(c) The program or activity ~~must~~ **shall** be presented, if applicable, by instructors who are qualified and competent in the subject matter as demonstrated by their education, training, and experience.

(d) Licensee attendance at the program or activity ~~must~~ **shall** be monitored by the sponsor, if applicable.

(e) The sponsor shall maintain, for a period of 3 years from the date of each program, records of program attendance or completion of an activity that show all of the following, as applicable:

(i) The date a program was held or an activity completed.

(ii) The location of a program.

(iii) The credentials of the individuals who presented a program.

(iv) Rosters of individuals who were in attendance at a program or completed an activity.

(v) The continuing education credits awarded to each attendee or participant.

(f) The sponsor shall award a certificate or written evidence of attendance at a program or completion of an activity that includes the following, as applicable:

(i) The participant's name.

(ii) The date and location of the program.

(iii) The sponsor or program approval number.

(iv) The number of continuing education credits earned.

~~(4)~~ (5) The board ~~or authorized committee~~ may deny approval of programs or activities offered by institutions and organizations if the board or authorized committee determines that the programs or activities offered by those institutions or organizations fail to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of podiatric medicine and surgery.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Podiatric Medicine and Surgery- General Rules
Rule Set 2020-24 LR

NOTICE OF PUBLIC HEARING
Wednesday, April 21, 2021
09:00 AM

The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19) and Ingham County Resolution #21.

<https://us02web.zoom.us/j/85628384204?pwd=c0I0S1MyeVZGeTU5Yzh1SVY2R3NvQT09>

Password: 821777; phone number 877-336-1831, Code: 486917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Podiatric Medicine and Surgery- General Rules rule set.

The proposed rules amend and clarify standards for licensure, including the required length of the postgraduate residency program. The rule establishing the minimum English language requirement will be rescinded because that requirement will be included in the Public Health Code General Rules. The standards pertaining to board-approved educational programs will be updated. Additionally, the rules pertaining to the requirements and limitations on the accumulation of continuing education required for license renewal will be amended for clarify and the information pertaining to the standards applied to board-approved providers will be updated.

By authority conferred on the director of the department of licensing and regulatory affairs by MCL 333.16145, 333.16148, 333.16174, 333.16178, 333.16182, 333.16186, 333.16204, 333.16205, 333.16287, 333.18031, 333.18033, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030. The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 4/15/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 4/21/2021 at 05:00PM.

Policy Analyst

[Email: BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov)

Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing– Boards and Committees Section, P.O. Box 30670, Lansing, MI 48909-8170

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 711-to make arrangements.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

March 23, 2021

Ms. Deidre O'Berry
Michigan Office of Administrative Hearings and Rules
611 W. Ottawa Street
Lansing, Michigan 48909

Re: Request for a correction of the Michigan Administrative Code, Criminal Justice Information Systems – Rules filed with the Office of the Great Seal on March 19, 2021.

Dear Ms. O'Berry,

The Michigan State Police is writing to request that the Michigan Office of Administrative Hearings and Rules exercise its discretion to correct an obvious error in the Michigan Administrative Code, pursuant to Section 56(1), MCL 24.256 of the Administrative Procedures Act, 1969 PA 306, as amended.

The Agency requests that the following change be made:

On page 7, R 28.5211 Dissemination of CJI for certain mass casualty, catastrophic, or unforeseen events, subsection (a)(ii) contains a clerical error in the spelling of the word "Presidential" that needs to be corrected.

Please amend the rule set to reflect this correction in both the Michigan Register and the Michigan Administrative Code.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

March 22, 2021

Ms. Deidre O'Berry
Office of Regulatory Reinvention
111 South Capitol Avenue, 8th floor
Lansing, Michigan 48933

Dear Ms. O'Berry:

SUBJECT: Request for Correction of the Michigan Administrative Code
R 325.51501 – R 325.51527
GI & CS Part 307. Acrylonitrile

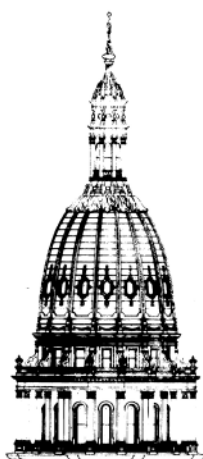
The Department of Labor and Economic Opportunity (LEO), Michigan Occupational Safety and Health Administration as the promulgating agency, is writing to request that the Michigan Office of Administrative Hearings and Rules exercise its discretion to correct obvious errors in the Michigan Administrative Code (MAC), pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act, 1969 PA 306, as amended.

In rule number R 325.51501(14)(a) the rule range cited there currently reads "R 325.47401 to R 325.4725." The last rule should be "R 325.47425." This subrule is needed to be amended in order to make a correction to the rule referenced. The agency is requesting to have this number inserted back in to read as follows:

R 325. 51501

(14)(a) General Industry Safety and Health Standard Part 474. "Sanitation," R 325.47401 to R 325.47425.

Please amend the rule set to reflect these corrections in both the Michigan Register and the Michigan Administrative Code.



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(2021 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2021 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

April 07, 2021
Compiled through PA 5 of 2021

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001		0030	Yes	3/2/2021	3/2/2021	3/2/2021	Highways; memorial ; portion of I-94 in Wayne County; designate as the "Firefighter Coleman A. Tate Memorial Highway". (<i>Sen. Adam J. Hollier</i>)
0002	4047		Yes	3/9/2021	3/9/2021	3/9/2021 +	Appropriations; supplemental ; supplemental appropriations; provide for fiscal year 2020-2021. (<i>Rep. Timothy Beson</i>)
0003	4048		Yes	3/9/2021	3/9/2021	3/9/2021 +	School aid; supplemental ; supplemental school funding; provide for. (<i>Rep. Brad Paquette</i>)
0004		0186	Yes	3/24/2021	3/24/2021	3/24/2021	Agriculture; industrial hemp ; regulations for growing industrial hemp; modify. (<i>Sen. Dan Lauwers</i>)
0005		0100	Yes	3/26/2021	3/26/2021	3/26/2021	Children; child care ; definition of foster care; provide for. (<i>Sen. John Bizon, M.D.</i>)
Veto		0001	No	No		3/24/2021	Health; diseases ; time limits on emergency orders issued in response to an epidemic; provide for unless extension is approved by the legislature and require emergency order to include certain information. (<i>Sen. Lana Theis</i>)
Veto		0029	No	No		3/26/2021	Appropriations; supplemental ; supplemental appropriations for 2019-2020 and 2020-2021; provide for. (<i>Sen. Jim Stamas</i>)
Veto		0114	No	No		3/26/2021	Appropriations; zero budget ; multidepartment supplemental appropriations; provide for fiscal year 2020-2021. (<i>Sen. Jim Stamas</i>)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
Veto	4049		No	No		3/9/2021 #	Health; diseases; authority to close certain schools to in-person instruction and prohibit certain sporting events in emergency orders issued in response to an epidemic; modify. (Rep. Pamela Hornberger)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.