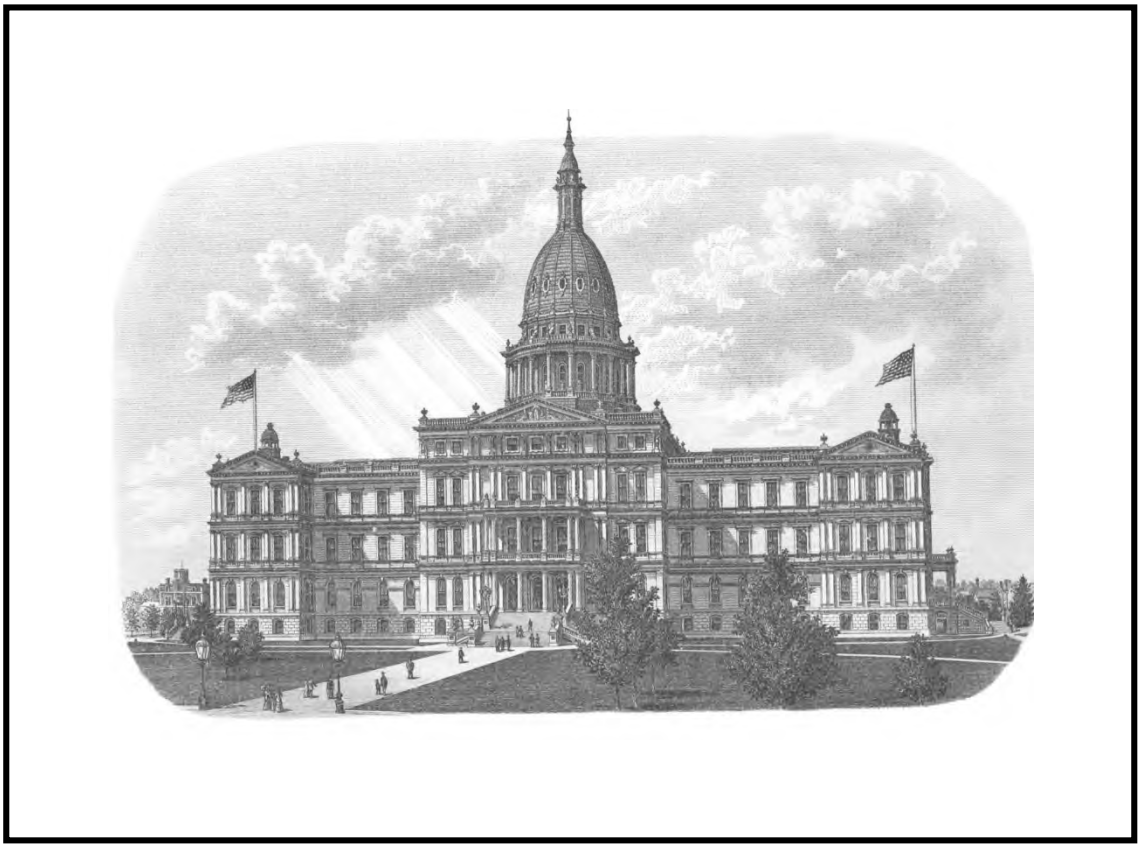
Michigan Register

Issue No. 22 – 2020 (Published December 15, 2020)



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

Published pursuant to § 24.208 of
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Issue No. 22— 2020
(This issue, published December 15, 2020, contains
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Katherine Wienczewski, State Administrative Manager, Michigan Office of Administrative Hearings and Rules; Deidre O'Berry, Administrative Rules Specialist for Operations and Publications.

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, 2020 MR 1 refers to the year of issue (2020) 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

2020 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2020	February 1, 2020
2	February 1, 2020	February 15, 2020
3	February 15, 2020	March 1, 2020
4	March 1, 2020	March 15, 2020
5	March 15, 2020	April 1, 2020
6	April 1, 2020	April 15, 2020
7	April 15, 2020	May 1, 2020
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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 TREASURY

MICHIGAN GAMING CONTROL BOARD

INTERNET SPORTS BETTING RULES

Filed with the secretary of state on December 2, 2020

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 Michigan Gaming Control Board by section 10 of the lawful sports betting act, 2019 PA 149, MCL 432.410)

R 432.711, R 432.712, R 432.713, R 432.713a, R 432.714, R 432.714a, R 432.714b, R 432.714c, R 432.714d, R 432.714e, R 432.715, R 432.715a, R 432.716, R 432.716a, R 432.716b, R 432.717, R 432.718, R 432.721, R 432.721a, R 432.721b, R 432.721c, R 432.721d, R 432.721e, R 432.721f, R 432.721g, R 432.721h, R 432.721i, R 432.721j, R 432.721k, R 432.722, R 432.723, R 432.724, R 432.724a, R 432.725, R 432.725a, R 432.725b, R 432.725c, R 432.726, R 432.727, R 432.728, R 432.728a, R 432.728b, R 432.728c, R 432.729, R 432.731, R 432.732, R 432.732a, R 432.732b, R 432.733, R 432.734, R 432.735, R 432.736, R 432.737, R 432.737a, R 432.738, R 432.739, R 432.739a, R 432.741, R 432.742, R 432.743, R 432.744, R 432.745, R 432.746, R 432.746a, R 432.747, R 432.748, R 432.749, R 432.751, R 432.751a, R 432.751b, R 432.751c, R 432.752, R 432.753, R 432.754, R 432.755, R 432.755a, R 432.755b, R 432.755c, R 432.755d, R 432.755e, R 432.756, R 432.757, R 432.758, R 432.759, R 432.761, R 432.762, R 432.763, R 432.763a, R 432.763b, R 432.763c, R 432.764, R 432.765, R 432.765a, R 432.765b, R 432.766, R 432.767, R 432.768, R 432.771, R 432.772, R 432.773, R 432.774, R 432.775, and R 432.776 are added to the Michigan Administrative Code, as follows:

PART 1. GENERAL PROVISIONS

R 432.711 Definitions.

Rule 711. As used in these rules:

(a) "Act" means the lawful sports betting act, 2019 PA 149, MCL 432.401 to 432.419.

(b) "Affiliate" means a person that, directly or indirectly, through 1 or more intermediaries, controls or is controlled by a sports betting operator.

(c) "Affiliate marketer" means a person involved in promoting, marketing, and directing business to online gaming sites who is compensated based on the volume of customer referrals to an online gaming site or customer activity, including but not limited to, number of registrations, number of depositing registrations, or wagering activity, or both.

(d) “Agent” means any individual who is employed by any agency of this state, other than the board, the state police, or attorney general, and who is assigned to perform full-time services on behalf of or for the benefit of the board regardless of the title or position held by that individual.

(e) “Authorized participant session” means the period of time that an authorized participant is logged on to an internet sports betting platform.

(f) “Conflict of interest” means a situation, relationship, or association in which the private interest of employees, agents, and contractors of the board may influence the judgment of the employee, agent, or contractor in the performance of his or her public duty under the act.

(g) “Contractor” means any individual not employed by this state who performs services on behalf of or for the benefit of the board and requires unescorted access to board facilities.

(h) “Event category” means a specific type of athletic event or other event governed by a specific sports governing body or other oversight body (for example, professional basketball governed by the National Basketball Association).

(i) “Event wagering system” means the hardware, software, firmware, communications technology, other equipment, as well as the sports betting operator procedures implemented to allow an authorized participant to participate in wagering, and, if supported, the corresponding equipment related to the display of the wager outcomes, and other similar information necessary to facilitate an authorized participant’s participation. The event wagering system provides the authorized participant with the means to place and manage wagers. The event wagering system provides the sports betting operator with the means to review internet sports betting accounts, if supported, suspend events, generate various wagering/financial transaction and account reports, input outcomes for events, and set any configurable parameters. The term does not include computer equipment or communications technology used by an authorized participant to access the internet sports betting platform. Unless otherwise specified in these rules, the term internet sports betting platform includes the entire event wagering system.

(j) "Excluded person" means any individual who has been involuntarily placed in the responsible gaming database by the executive director and who is prohibited from establishing an internet sports betting account or participating in internet sports betting, or both, offered under the act or these rules.

(k) “Executive Director” means the executive director of the Michigan gaming control board, appointed under section 4 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.204.

(l) "Independent integrity monitoring provider" means an independent person who is registered with the board as a vendor and who receives reports of unusual wagering activity from a sports betting operator or internet sports betting platform provider for the purpose of assisting in identifying suspicious wagering activity.

(m) “Key person” means any of the following except as otherwise provided in paragraph (vii):

(i) A director of the applicant.

(ii) A managerial employee of the applicant that performs the function of principal executive officer, principal operations officer, or principal accounting officer.

(iii) A person who holds more than 5% ownership interest in the applicant.

(iv) An affiliate of the applicant.

(v) A director of an affiliate of the applicant.

(vi) A managerial employee of an affiliate of an applicant that performs the function of principal executive officer, principal operations officer, or principal accounting officer.

(vii) Key person does not include an elected or appointed representative of any applicant or licensee that is a federally recognized Indian tribe located in this state unless the representative is also a full-time employee of the applicant’s or licensee’s internet sports betting operations. A key

person for an Indian tribe includes a primary management official of the applicant who has management responsibilities for the applicant's internet sports betting operations.

(n) "Layoff wager" means a wager placed by a sports betting operator or internet sports betting platform provider with another sports betting operator or internet sports betting platform provider for the purpose of offsetting authorized participant internet sports betting wagers.

(o) "Licensee" means a person who holds a license under the act.

(p) "Prohibited person" means any excluded person, any voluntarily-excluded person, and all of the following:

(i) An individual who is under the age of 21.

(ii) Any employee of, or appointee to, the Michigan gaming control board.

(iii) Employees of a sports betting operator. An employee of a sports betting operator shall not create an internet sports betting account or place an internet sports betting wager with the sports betting operator for which he or she is employed unless using a test account under R 432.739a.

(iv) Employees of an internet sports betting platform provider. An employee of an internet sports betting platform provider shall not create an internet sports betting account or place an internet sports betting wager with the sports betting operator for which the internet sports betting platform provider supplies the internet sports betting platform unless using a test account under R 432.739a.

(v) Employees and appointees of a tribal gaming regulatory agency with jurisdiction over internet gaming being operated under such tribe's gaming ordinance and the Indian gaming regulatory act, 25 USC 2701 to 2721.

(vi) Occupational licensees and applicants. Occupational licensees and applicants shall not place wagers with the sports betting operator or internet sports betting platform provider for which they are employed or for which they had to qualify.

(vii) An individual not in an authorized location to make a wager.

(viii) An individual placing an internet sports betting wager on behalf of another.

(ix) An individual with access to non-public/exclusive information related to an event or an individual who may impact the outcome of an event or wager type is prohibited from wagering on any event overseen by the relevant sports governing body.

(x) Athletes, coaches, managers, owners, and anyone with sufficient authority to influence the outcome of an event are prohibited from wagering on events overseen by the relevant sports governing body.

(xi) Employees of a sports governing body or its members teams are prohibited from wagering on any event overseen by the relevant sports governing body.

(xii) Owners of a sports governing body or member team are prohibited from wagering on any event overseen by the sports governing body or any event in which a member team of that sports governing body participates.

(xiii) At the board's discretion, an individual on a list provided by a team or sports governing body may be prohibited from wagering on any event overseen by the relevant sports governing body.

(xiv) An individual wagering in violation of state, tribal, or federal law.

(xv) Other prohibited persons as determined by the board.

(q) "Publicly traded corporation" means any corporation or other legal entity regulated by the U.S. Securities and Exchange Commission under the securities exchange act of 1934, 15 USC 78a to 78qq, or securities act of 1933, 15 USC 77a to 77aa.

(r) "Secure transaction file" means a file that contains data that cannot be modified without detection.

(s) "Self-authentication process" means a method used by a system to verify the validity of software and includes the following:

(i) The method requires the calculation of an output digest that is compared to a secure embedded value.
(ii) The output digest must be of 128-bit complexity, at a minimum.
(iii) Software is authenticated if the calculated digest equals the secure embedded value.

(t) "Self-exclusion list" means a list of individuals who voluntarily excluded themselves from establishing or maintaining an internet sports betting account with a sports betting operator or internet sports betting platform provider.

(u) “Strong authentication” means a method that has been demonstrated to the satisfaction of the board to effectively provide higher security than a username and password alone.

(v) "Suspended account" means an internet sports betting account that has been temporarily disabled from engaging in wagering activity.

(w) "Suspicious wagering activity" means unusual wagering activity that cannot be explained and is indicative of any of the following:
(i) Match-fixing.
(ii) The manipulation of an event.
(iii) Misuse of inside information.
(iv) A potential breach of a sports governing body’s internal rules or code of conduct pertaining to sports betting.
(v) Any other conduct that corrupts the outcome of an event.
(vi) Any other prohibited activity.

(x) "Targeted mailing" means an advertisement or promotional offer from a sports betting operator or an internet sports betting platform provider directed to an individual on the basis of specific criteria, such as being a member or former member of a rewards club or a participant in social games. "Targeted mailing" does not include mass communication, including mailings or e-mailings, made to an entire area or zip code or targeted list, nor does it include an advertisement that arrives in a packet of 5 or more non-gaming advertisements, if the packet of advertisements is addressed to "resident," "occupant," or some similar wording and not to a specific individual. "Targeted mailing" further does not include any "pop-up" advertisement that appears on an individual’s computer or mobile device on the basis of his or her IP Address.

(y) "Things of value" means anything of value that may be used to place an internet sports betting wager.

(z) "Unusual wagering activity" means abnormal wagering activity exhibited by one or more authorized participants and considered by a sports betting operator or internet sports betting platform provider as a potential indicator of suspicious wagering activity. Unusual wagering activity may include the size of an authorized participant's internet sports betting wager or increased wagering volume on a particular event or wager type.

(aa) "Voluntarily-excluded person" means any individual whose name is included, at his or her own request, in the responsible gaming database or on a self-exclusion list, or both.

(bb) “Wager type” means a type of internet sports betting wager, which may include, but is not limited to, the following:
(i) Single-game bets.
(ii) Teaser bets.
(iii) Parlays.
(iv) Over-under.
(v) Moneyline.
(vi) Pools.
(vii) Exchange betting.
(viii) In-game betting.

(ix) Proposition bets.
(x) Straight bets.

R 432.712 Terms defined in act.
Rule 712. Terms defined in the act have the same meaning when used in these rules.

R 432.713 Board duties, jurisdiction, and authority.
Rule 713. (1) To execute and administer the act for the purpose of licensing, regulating, and enforcing lawful internet sports betting the board may do all of the following:

(a) Determine its practices and internal policies or procedures.

(b) Delegate to the executive director all powers and authority to act in the name of the board with respect to all reasonable, necessary, and appropriate actions to administer and carry out the administrative and executive functions of the board including, but not limited to, the power to do any of the following:

(i) Execute and enter into contracts on behalf of the board.
(ii) Hire and fire employees of the board and administer oaths.
(iii) Issue subpoenas for the attendance of witnesses and the production of documents.
(iv) Issue and renew licenses.
(v) Register vendors.
(vi) Conduct investigations, inspections, and audits, share information with law enforcement agencies, conduct hearings, and settle alleged violations of the act and these rules.
(vii) Engage in other functions necessary to the proper administration and enforcement of the act and these rules.
(viii) Grant requests and waivers, answer inquiries, issue interpretations, and otherwise take any action that is reasonably requested by applicants, licensees, and vendors in furtherance of, and consistent with, the efficient administration and enforcement of the act and these rules, as determined to be necessary or appropriate by the executive director.

(2) The board may set hiring standards for employees.

(3) The board has general responsibility for the implementation of the act. The board's duties include, but are not limited to, all of the following:

(a) Deciding in a reasonable period of time all license applications.

(b) Investigating applicants for licenses or registration. The board may grant licenses or register persons in accordance with the act and these rules.

(c) Supervising sports betting operations authorized by the act.

(d) Investigating alleged violations of the act or these rules and taking appropriate disciplinary action against a licensee or any other person, or instituting appropriate legal action for enforcement, or both.

(e) Conducting investigative and contested case hearings, issuing subpoenas, and administering oaths and affirmations to the witnesses to exercise and discharge the powers and duties of the board under the act.

(f) Revoking or suspending licenses and registrations, and imposing fines as the board considers necessary and in compliance with applicable laws of this state.

(g) Imposing fines against individuals, sports betting operators, and sports betting suppliers for engaging in a fraudulent practice, for each violation of the act, these rules, or any resolution or order of the board, or for any other action that the board determines is a detriment or impediment to sports betting.

(h) Taking any other action as may be reasonable or appropriate to enforce the act and these rules.

(4) The board may seek and shall receive the cooperation and assistance of other departments and agencies in conducting background investigations and in fulfilling its responsibilities under the act.

R 432.713a Member, employee, or agent of board; conduct generally.

Rule 713a. (1) By January 31 of each year, each member, the executive director, and all employees of the board shall file 1 or more board disclosure forms. The board shall determine the contents of the form, but it must include such information as necessary to ensure the integrity of internet sports betting and disclosure of all relevant financial information. The form may be combined with similar forms required by other acts or rules.

(2) If a member, the executive director, an employee, or an agent of the board negotiates for, or acquires by any means, any interest in a licensee, applicant, or person affiliated with a licensee or applicant, he or she must immediately provide written notice of the details of the interest to the chairperson. The member, executive director, employee, or agent of the board must not act on behalf of the board with respect to that licensee, applicant, or person affiliated with the licensee or applicant.

(3) A member, the executive director, an employee, or an agent of the board may enter into any negotiations for employment with a licensee, applicant, or affiliate of a licensee or applicant. The member, executive director, employee, agent, licensee, applicant, or affiliate must immediately notify the chairman and the executive director once the invitation to negotiate has been extended. A potential employer asking if an individual would be interested in a position or explaining the nature of a position does not constitute negotiations for employment. Further, an individual completing an employment application does not constitute negotiations for employment. The member, executive director, employee, or agent of the board must not take any action on behalf of the board with respect to that licensee, applicant, or person affiliated with a licensee or applicant while the negotiations are ongoing. All members, the executive director, board employees, agents, and contractors must, to the maximum extent possible, avoid situations, relationships, or associations that may represent or lead to an actual or perceived conflict of interest.

(4) A member, the executive director, an employee, or an agent or their spouse, may not accept any gift, gratuity, compensation, travel, lodging, or anything of value, directly or indirectly, from any licensee, applicant, or an affiliate or representative of an applicant or licensee, unless the acceptance conforms to a written policy issued by the chairperson. The chairman may exempt attendance at a reception, and food and drink for immediate consumption from this policy. The policy must be publicly available and shared with all licensees.

(5) A licensee, applicant, or an affiliate or representative of an applicant or licensee, shall not, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or things of value to any member, the executive director, an employee, or an agent of the board that the member, employee, or agent of the board is prohibited from accepting under subrule (4) of this rule.

(6) A licensee, applicant, or an affiliate or representative of an applicant or licensee must not engage in ex parte communications with a member of the board. A member of the board must not engage in any ex parte communications with a licensee, applicant, or affiliate or representative of an applicant or licensee.

(7) Any member, licensee, applicant, or affiliate or representative of a board member, licensee, or applicant who receives any ex parte communication in violation of subrule (6) of this rule, or who is aware of an attempted communication in violation of subrule (6) of this rule, must immediately report details of the communication or attempted communication in writing to the chairperson.

(8) A member, the executive director, an employee, or an agent of the board must not have an internet sports betting account or participate in or wager on any sports betting conducted in this state except as part of the individual's surveillance, security, or other official duty authorized by the board.

(9) Violation of this rule by a licensee, applicant, or affiliate or a representative of a licensee, applicant, or affiliate, may result in denial of an application for licensure, revocation or suspension of a license, or other action by the board.
(10) Violation of this rule does not create a civil cause of action.

R 432.714 Denial or non-renewal hearings.
Rule 714. (1) A person whose application for a license or a transfer of ownership has been denied, whose license has not been renewed, or who has been denied an approval from the board required in these rules may request a hearing. The hearing must be de novo.
(2) The person must submit an original hearing request, pleading, or other written document to the board, serve each party or attorney of record, and provide a proof of service on each party or attorney of record.

R 432.714a Request for hearing.
Rule 714a. (1) A request for hearing must meet all of the following requirements:
(a) Be in writing.
(b) State the name, current address, and current telephone number of the petitioner.
(c) State in detail the reasons why, and the facts upon which the petitioner will rely to show that, the petitioner's application for a license should not have been denied, the license should have been renewed, the transfer of ownership should have been approved, or approval should have been granted.
(d) Be signed, verified, and dated. A petitioner must have the verification notarized and include a certification stating, "Under the penalty of perjury, the undersigned has examined this request for hearing and to the best of my knowledge and belief, it is true, complete, and correct."
(2) A request for hearing must be submitted within 21 days after service of the notice of denial, notice of nonrenewal, or disapproval. A request for a hearing submitted by certified mail or overnight express mail is considered submitted in a timely manner if it is postmarked no later than 21 days after service of a notice of denial, notice of nonrenewal, or disapproval.
(3) A request for a hearing is considered granted unless denied.
(4) A request for a hearing may be withdrawn by the petitioner. If the request for hearing is withdrawn, then the initial denial, nonrenewal, or disapproval becomes a final board order.
(5) Unless the board denies a request for hearing, the board shall submit the request for hearing to the appropriate state agency.
(6) Default judgment or dismissal may result at any stage of the proceeding.

R 432.714b Proceedings.
Rule 714b. (1) The burden of proof is at all times on the petitioner. The petitioner has the affirmative responsibility of establishing, by clear and convincing evidence, any of the following:
(a) The petitioner should have been awarded a license.
(b) The license should have been renewed.
(c) The transfer of ownership should have been approved.
(d) Approval should have been granted.
(2) The hearing must be conducted in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, except as otherwise provided in these rules or the act.

R 432.714c Prohibition on ex parte communication.
Rule 714c. A party or its attorney must not communicate directly or indirectly with the hearing officer regarding any pending matter, except upon notice and opportunity for all parties to participate. A party

that engages in ex parte communication with the hearing officer may be subject to sanctions and penalties.

R 432.714d Sanctions and penalties.

Rule 714d. (1) The hearing officer may recommend sanctions and penalties if the hearing officer finds that a party has failed to appear at a scheduled hearing, has acted in bad faith for the purpose of delay, or has otherwise abused the hearing process. Sanctions and penalties include, but are not limited to, a fine or default judgment or a
directed finding on 1 or more issues.

(2) If a petitioner refuses to testify on his or her own behalf with respect to any question propounded to him or her, then the hearing officer may infer that the testimony or answer would have been adverse to the case of the petitioner.

(3) If the petitioner or attorney of record fails to answer a subpoena or refuses to testify fully at the request of the board, then the failure may be considered independent grounds for a finding that the petitioner should have been denied a license or the transfer of ownership. The hearing officer may also infer from the failure to answer a subpoena or refusal to testify fully that the testimony would have been adverse to the petitioner.

R 432.714e Recording proceedings; transmittal of record and board action.

Rule 714e. (1) Oral proceedings involving contested issues must be recorded to ensure the preservation of the testimony. A party may request a transcript of the proceedings. The requesting party must pay for the transcript.

(2) Unless otherwise specified by the board, the hearing officer, within 60 days after
the conclusion of the hearing, or the submission of post-hearing briefs or proposed findings of fact, shall issue, to the board and to the parties, written findings of fact,
conclusions of law, and recommendations. Findings of fact must be based exclusively on
testimony, evidence, and matters within the record. The findings of fact must be stated
separately.

(3) Unless otherwise agreed to by the parties or as set by the hearing officer, the
parties have 21 days after the service of the findings of fact, conclusions of law, and recommendations of the hearing officer to file objections.

(4) Unless otherwise agreed to by the parties or as set by the hearing officer, the
parties may file a response to the objections within 21 days after service of the objections.

(5) After the time period for the parties to file objections and responses to those objections, the hearing officer must transmit the entire record to the board.

(6) Before issuing a final order, the board must consider the record as a whole.

(7) After considering the record, the board may take any of the following actions:

(a) Affirm the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer as its final board order.

(b) Issue a final order modifying the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer.

(c) Issue a final order rejecting the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer.

(d) Issue an order remanding the matter, with instructions, to the hearing officer for further proceedings.

(8) The board must serve copies of its orders on the parties.

(9) A board order becomes effective upon service.

R 432.715 Request for declaratory ruling; form; contents.
Rule 715. (1) An individual who requests a declaratory ruling from the board as to the applicability to an actual state of facts of a statute, rule, resolution, or order administered, promulgated, or issued by the board, must do so in writing.
(2) The written request must contain the relevant and material facts along with a reference to the statute, rule, resolution, or order applicable.

R 432.715a Declaratory ruling; notice of issuance; request for information or arguments; hearing.
Rule 715a. (1) Within 90 days after the receipt of a request for a declaratory ruling, the board shall issue a written notification by regular first-class mail to the petitioner and the petitioner's legal counsel, if any, stating whether or not a declaratory ruling will be issued.
(2) If the board decides to issue a declaratory ruling, the board may do any of the following:
(a) Request more information from the individual.
(b) Request information from other interested parties.
(c) Request information from experts outside the board.
(d) Request oral or written arguments from interested parties.
(e) Hold a hearing upon proper notice to all interested parties.
(f) Decline to issue a declaratory ruling.

R 432.716 Reasons for investigation of, or disciplinary action against, licensee; hearing procedure.
Rule 716. (1) The board may initiate an investigation or a disciplinary action, or both, against a licensee if the board has reason to believe that at least 1 of the following applies:
(a) The licensee is not maintaining suitability for licensure as provided by the act.
(b) The licensee is not complying with licensure conditions.
(c) The licensee is not complying with all laws, rules, orders, and resolutions.
(2) Before initiating disciplinary proceedings, the board must give notice and an opportunity to show compliance under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292.
(3) A sports betting operator is responsible for the conduct of any licensee it uses to conduct internet sports betting wagering under the act. A sports betting supplier is also responsible for its conduct under the act and these rules. Any violation of the act or these rules by the sports betting operator in which the sports betting supplier participated in the action is also considered a violation by the sports betting supplier, and the board may hold both, or either, accountable for the violation.
(4) The board may initiate a disciplinary proceeding by designating a member or the executive director to conduct a hearing or by initiating proceedings with the appropriate state agency under the contested case provisions of chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.288, and the rules promulgated under that chapter.

R 432.716a Actions available to hearing officer.
Rule 716a. (1) A hearing officer may recommend sanctions and penalties if the hearing officer finds that a party has failed to appear for a scheduled hearing, acted in bad faith for the purpose of delay or has otherwise abused the hearing process.
(2) If a respondent fails to testify on the respondent's own behalf with respect to any question propounded to the respondent, the hearing officer may infer that the testimony or answer would have been adverse to the case of the respondent.
(3) If the respondent or attorney of record fails to answer a subpoena or refuses to testify fully at the request of the board the failure may be considered independent grounds for a finding that the respondent

should be disciplined. The hearing officer may also infer that the testimony would have been adverse to the respondent.

R 432.716b Actions available to the board.
Rule 716b. The board may take any of the following disciplinary actions against a licensee:
(a) Suspend, revoke, restrict, or place conditions on the license of a licensee.
(b) Require the removal of a licensee or the removal of an employee of a licensee.
(c) Impose a civil penalty for each violation of the act, rules, orders, or resolutions.
(d) Impose against an occupational licensee, for each violation of the act or these rules, a civil penalty of not more than $10,000.00 as a result of the violation or attempted violation of the act or these rules.
(e) Any other action considered necessary by the board to ensure compliance with the act or these rules.

R 432.717 Special proceedings.
Rule 717. (1) The board may suspend a license without notice or hearing if the board determines that the safety or health of persons or employees or the integrity of internet sports betting is jeopardized by continuing an operation or that the action is necessary for the immediate preservation of the integrity of internet sports betting, public peace, health, safety, morals, good order, or general welfare.
(2) The suspension may remain in effect until the board determines that the cause for suspension has been abated.
(3) Following a hearing, the board may revoke the license upon a determination that satisfactory progress toward abating the hazard has not been made.

R 432.718 Waiver of requirements.
Rule 718. The board may, in writing, waive, restrict, or alter any requirement or procedure set forth in these rules, if the board determines any of the following:
(a) That the requirement or procedure is impractical or burdensome.
(b) That the waiver, restriction, or alteration is in the best interest of the public and the internet sports betting.
(c) That the waiver, restriction, or alteration is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.

PART 2. LICENSING: OPERATOR, SUPPLIER, OCCUPATIONAL; VENDOR REGISTRATION

R 432.721 Required notification of anticipated or actual changes in key person of sports betting operator and sports betting supplier.
Rule 721. A sports betting operator applicant or licensee must notify the board before any anticipated or actual change in key person. A sports betting supplier applicant or licensee must notify the board of any change in key person within 30 days after appointment.

R 432.721a Notification of new financial sources of sports betting platform providers.
Rule 721a. A sports betting platform provider applicant or licensee must notify the board, in writing, as soon as practicable, after it becomes aware that it intends to enter into a transaction related in any way to its development and operations that may result in any new financial backers, investors, mortgagees, bondholders, or holders of indentures, notes, or other evidences of indebtedness of the applicant or licensee. A publicly traded corporation is considered to have complied with this rule if it has complied with the reporting requirements in R 432.721d.

R 432.721b Notification by applicants or licensees required.

Rule 721b. (1) A sports betting operator or sports betting supplier applicant or licensee, affiliate that has control of a sports betting operator applicant or licensee, or other person that has control of a sports betting operator or sports betting supplier applicant or licensee must notify the board, as soon as practicable after it becomes aware that, with regard to any such company, any person or individual has:

(a) Beneficially acquired more than 5% of any class of the company's equity securities.

(b) The ability to control the company.

(c) The ability to elect 1 or more directors of the company.

(2) To the extent known by the sports betting operator license or sports betting supplier license applicant or licensee, the required notification must include the name, business address, phone number, and other personal identification information for each person.

(3) A person applying for or holding a sports betting operator license or sports betting supplier license must report to the board the election or appointment of a director or officer of that applicant or licensee or a holding company of that applicant or licensee who is actively and directly engaged in the administration or supervision of that applicant's or licensee's internet sports betting operation.

(4) A person who applies for or holds a sports betting operator license and all other persons covered by this part must file any other document requested by the board to ensure compliance with the act or this part within 30 days after the board request or at another time established by the board.

(5) A publicly traded corporation is considered to have complied with this rule if it has complied with the reporting requirements in R 432.721d.

R 432.721c Required notification of formation, dissolution, or transfer of subsidiaries.

Rule 721c. (1) A sports betting operator or sports betting supplier applicant or licensee, affiliate that has control of a sports betting operator applicant or licensee, or other person that has control of a sports betting operator or sports betting supplier applicant or licensee, must report, in writing, to the board, as soon as practicable, the formation or dissolution of, or any transfer of, a nonpublicly traded or publicly traded interest in the sports betting operator or sports betting supplier applicant or licensee, affiliate that has control of a sports betting operator applicant or licensee, or other person that has control of a sports betting operator or sports betting supplier applicant or licensee.

(2) A publicly traded corporation is considered to have complied with this rule if it has complied with the reporting requirements in R 432.721d.

R 432.721d Publicly traded corporation reporting requirements.

Rule 721d. (1) A publicly traded corporation or other person that applies for or holds a sports betting operator license or sports betting supplier license who is a public reporting company under the securities exchange act of 1934, 15 USC 78a to 78qq, or the securities act of 1933, 15 USC 77a to 77aa, must submit a copy of all submissions required by the U.S. Securities and Exchange Commission to the board in a format prescribed by the board. The submissions are due within 14 days of the filing dates required by the U.S. Securities and Exchange Commission.

(2) If a publicly traded corporation or other person that applies for or holds a sports betting operator license or sports betting supplier license receives any material document filed with the U.S. Securities and Exchange Commission by any other person relating to the publicly traded corporation, the person must file 1 copy of the document with the board within 14 days after receipt of the material.

(3) A publicly traded corporation or other person that applies for or holds a sports betting operator license or sports betting supplier license must file a list of record holders of its voting securities with the board annually.

R 432.721e Exemption for institutional investors.

Rule 721e. (1) An institutional investor who acquires beneficial ownership of a person that has applied for or holds a sports betting operator license or sports betting supplier license must notify the board within 14 days after the institutional investor acquires the interest or files form 13-D or 13-G with the U.S. Securities and Exchange Commission, or both, and must provide additional information, and may be subject to a finding of suitability, as required by the board.

(2) An institutional investor who acquires and holds a less than 25% interest for investment purposes only in a person that has applied for or holds a sports betting operator license or sports betting supplier license in this state may, in a manner and form prescribed by the board, file an exemption form to establish exemption from the eligibility and suitability requirements of the act.

(3) The licensee in whom the institutional investor acquires the interest must file an application for approval of the transfer within 30 days after the transfer. Within the same time period, the institutional investor must file either an exemption form if the institutional investor holds the interest for investment purposes only or an application and disclosure forms as part of the licensee's application if the institutional investor does not hold the interest for investment purposes only.

(4) The board may require that any person, including an institutional investor, seeking approval to hold ownership interests subject to this part apply for a finding of suitability in accordance with this rule if the board considers the finding of suitability necessary to ensure compliance with the act and these rules. If the board denies a request for an institutional investor exemption, the institutional investor must, within 30 days, either divest itself of the interest or file application and disclosure forms as part of the relevant licensee's license.

(5) The following activities are considered to be consistent with holding equity securities for investment purposes only under this rule:

(a) Voting, directly or indirectly, through the delivery of a proxy furnished by the board of directors, on all matters voted on by the holders of the voting securities.

(b) Serving as a member of a committee of creditors or security holders formed in connection with a debt restructuring.

(c) Nominating a candidate for election or appointment to the board of directors in connection with a debt restructuring.

(d) Accepting appointment or election as a member of the board of directors in connection with a debt restructuring and serving in that capacity until the conclusion of the member's term.

(e) Making financial and other inquiries of management of the type normally made by securities analysts for information purposes and not to cause a change in its management, policies, or operations.

(f) Other activities that the board determines to be consistent with the investment intent.

(6) If an institutional investor acquires 25% or more ownership interest of a licensee, the institutional investor must notify the board within 14 days of acquiring the ownership interest.

R 432.721f Applicability of part; transfer of ownership interest; limitation.

Rule 721f. (1) An interest in a person applying for or holding a sports betting operator license or sports betting supplier license may only be transferred in accordance with this part.

(2) The following persons must provide notice to the board no later than 30 days after execution of the transfer:

(a) Except for a sports betting platform provider, a person that transfers or acquires greater than a 5% interest in a person that has applied for or holds a sports betting operator license or sports betting supplier license in this state.

(b) Except for a sports betting platform provider, a person who, as a result of an acquisition, has acquired an interest totaling greater than 5% in a person that has applied for or holds a sports betting operator license or sports betting supplier license in this state.

(3) Except as stated in subrules (5) and (6) of this rule, the following persons must provide notice to the board 30-days before execution of a transfer:

(a) A person that intends to transfer or acquire greater than a 5% interest in a person that has applied for or holds a sports betting operator license or sports betting platform provider in this state.

(b) A person who, as a result of an acquisition, will acquire an interest totaling greater than 5% in a person that has applied for or holds a sports betting operator license or is a sports betting platform provider in this state.

(4) The board must determine whether the person acquiring the interest is eligible and suitable under the standards set forth in the act and these rules, unless the board grants the person an institutional-investor exemption under these rules or under section 6(13) or 8(10) of the act, MCL 432.406 and 432.408. Once the board determines that the person acquiring the interest is eligible and suitable under the standards set in the act and these rules, the executive director may approve the transfer.

(5) A transfer of interest to an institutional investor that acquires or will have acquired, upon completion of the transfer, less than 25% of the equity securities of a person that applies for or holds a sports betting operator license or sports betting supplier license may occur without first receiving executive director approval if the equity securities are held for investment purposes only but is subject to other requirements of this part.

(6) A transfer of interest in a sports betting operator or sports betting supplier licensee may occur if the transfer is between persons the board has found eligible and suitable for licensure during the licensing period in which the transfer occurs. In those cases, approval of the transfer must be requested no later than 30 days after the transfer, and the executive director may decide the application.

(7) If approval of the transfer of interest is denied by the executive director or the person acquiring the interest is found unsuitable by the board, the transferee must divest itself of the interest within 30 days after the date of the order denying approval.

R 432.721g Application for transfer of ownership.

Rule 721g. (1) A person desiring to acquire an ownership interest in a person applying for or holding a sports betting operator license or sports betting supplier license must complete and submit application and disclosure forms, in the manner and form prescribed by the board.

(2) A person desiring to acquire an interest in a person applying for or holding a sports betting operator license or sports betting supplier license must present evidence that the person desiring to acquire the interest is eligible and suitable under the standards and criteria for licensure set forth in the act and these rules.

(3) A person applying for or holding a sports betting operator license or sports betting supplier license that is attempting to transfer an ownership interest must submit any information or documentation considered necessary by the board to ensure compliance with the act and these rules.

R 432.721h Transfer investigative costs and fees.

Rule 721h. An investigation fee may be assessed to the extent that there are costs directly associated with the background investigation relating to the person desiring to acquire an interest in a sports betting operator or sports betting supplier. Unless otherwise determined by the board, approval may be withheld until full payment of the background investigation fees.

R 432.721i Denials.

Rule 721i. If an application for a transfer of interest is denied, a notice of denial must be issued.

R 432.721j Review of information at licensee's or applicant's premises; costs to sports betting operator and sports betting supplier.

Rule 721j. (1) The board may review, at the premises of the custodian of the information, any information that the act or these rules provide for from any of the following entities:

(a) A license applicant.
(b) A licensee.
(c) A key person.

(2) If information is reviewed at the premises of the custodian of the information, the license applicant or licensee must, as soon as practicable, reimburse the board for all licensure investigation expenses incurred in performing the review at the premises of the custodian of the information, including travel, food, and lodging that exceed the amount of the application fee.

R 432.721k Applicant/licensee disclosure of representatives to act on their behalf before the board.

Rule 721k. (1) An applicant or licensee must file, with the board, a list of persons authorized to act on the applicant's or licensee's behalf as to any matter before the board. An attorney appearing on behalf of an applicant or licensee in a matter before the board must promptly file an appearance identifying his or her client and the matter in which the attorney will appear.

(2) A person holding or applying for a license must establish and identify a representative for the purpose of accepting service of process, notices, and other forms of communication from the board for the person holding or applying for a license.

R 432.722 License classifications.

Rule 722. (1) The following licenses may be issued under the act and these rules:

(a) Sports betting operator license.
(b) Sports betting supplier license.

(2) The following persons are eligible to hold a sports betting operator license:

(a) A person that holds a casino license under the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.201 to 432.226.
(b) An Indian tribe that lawfully conducts class III gaming in a casino located in this state under a facility license issued in accordance with a tribal gaming ordinance approved by the chair of the National Indian Gaming Commission.

(3) A person that provides goods or services regarding the operation of internet sports betting to sports betting operators is required to hold a sports betting supplier license. Sports betting supplier includes, but is not limited to, the following:

(a) Internet sports betting platform providers.
(b) Geofence providers.
(c) Sports betting data providers.
(d) Providers of software that directly affects sports betting or the integrity of sports betting in this state.
(e) Providers hosting live sports betting data.
(f) Affiliate marketers that have an agreement based on the sharing of customer revenue.
(g) Unless otherwise determined by the board, any other person that meets 1 or more of the following criteria:
    (i) The person manufactures, supplies, or distributes devices, machines, equipment, items, or articles that meet any of the following provisions:
        (A) Are specifically designed for use in the conduct of internet sports betting.
        (B) Have the capacity to affect the outcome of an internet sports betting wager.

(C) Have the capacity to affect the calculation, storage, collection, or control of gross sports betting receipts.

(ii) The person services or repairs sports betting wagering devices, machines, equipment, items, or articles impacting the integrity of internet sports betting.

(iii) The person provides services directly related to the operation, security, surveillance, or management of internet sports betting.

(iv) The person provides other goods or services determined by the board to be so utilized in, or incidental to, the operation of a sports betting operator that the person must be licensed as a sports betting supplier to protect the public and enhance the credibility and integrity of internet sports betting in this state.

(4) A person must be licensed as a sports betting supplier before providing goods, software, or services as a sports betting supplier to a sports betting operator.

R 432.723 Occupational licensing.

Rule 723. (1) An individual must have an occupational license if his or her duties directly impact the integrity of internet sports betting as determined by the board in its sole discretion subject to the following:

(a) The board shall exercise its discretion with respect to any sports betting operator applicant or licensee that is an Indian tribe consistent with limitations prescribed in the act.

(b) A sports betting operator or sports betting supplier may provide an explanation, such as a job description, to support an allegation that a position should not require an occupational license.

(c) Elected or appointed officials of a federally recognized Indian tribe located within this state are exempt from any occupational licensing requirement unless they are employees of the tribe's internet sports betting operation.

(2) The following individuals when employed by a sports betting operator or sports betting supplier are considered by the board to directly impact the integrity of internet sports betting:

(a)An individual who has the capability to directly affect the outcome of an internet sports betting wager.

(b) An individual who has the capability of affecting a payout to an authorized participant.

(3) An individual applying for an occupational license must complete an application in the manner and form prescribed by the board and submit it together with the required application fee and a written statement from a sports betting operator or sports betting supplier indicating that it has employed or will employ the individual if the individual is licensed.

(4) If a preliminary review of the application and criminal history check does not uncover or indicate any circumstance that may require denial of the application under the licensing standards established in this rule, a temporary occupational license may be issued. The temporary occupational license authorizes the individual to perform the employment duties for which the license is sought, pending action on the license application. A temporary license is valid until the occupational license application is withdrawn or denied, the temporary license is suspended or revoked, or the license is issued by the board.

(5)An individual has the burden to establish by clear and convincing evidence his or her suitability as to character, reputation, integrity, and responsibility.

(6)The board may, in its discretion, deny an occupational license to an individual who is or does any of the following:

(a) Fails to disclose or states falsely any information requested in the application.

(b) Has been convicted of a criminal offense involving gambling, dishonesty, theft, or fraud in any jurisdiction. However, the board may waive this requirement if the conviction occurred more than 5 years before the applicant applies for a license and the board is convinced that the

applicant does not pose a threat to the integrity of internet sports betting and the applicant otherwise meets the requirements of this rule.

(c) Has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction.

(d) Lacks the requisite suitability as to integrity, and character as determined by the board.

(e) Has had a prior gambling related license or license application suspended, restricted, revoked, or denied for just cause in any other jurisdiction.

(7)The board shall decide whether to grant or deny the application for an occupational license. The decision must not be arbitrary or capricious.

(8)Upon granting the application for an occupational license and payment of the licensing fee, the executive director shall issue the occupational license.

(9)The occupational license is not transferable to another individual.

(10)An occupational licensee must have on his or her person the license while working for the applicable sports betting operator or sports betting supplier in this state during work hours.

(11)The board may exempt an individual from any or all of the occupational licensing requirements if any of the following apply:

(a) The individual is licensed under the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.201 to MCL 432.226.

(b) The individual is licensed under the lawful internet gaming act, 2019 PA 152, MCL 432.301 to MCL 432.322.

(c) The individual is licensed by another governmental agency.

(d) The board determines, in its sole discretion that licensing is not considered necessary to protect the public interest or accomplish the policies of the act.

(12)An individual exempted from occupational licensing may be required to register with the board using a form prescribed by the board.

(13)The board may suspend, revoke, summarily suspend, or refuse to renew a license for just cause.

(14)An occupational license is valid for 2 years and must be renewed as prescribed by the board. If the occupational licensee files a renewal request and pays the licensing fee in a timely manner and in the manner and form prescribed by the board, the licensee’s existing occupational license does not expire until a decision on the application for renewal is made.

R 432.724 Fees, fines, taxes, payments, and assessments.

Rule 724. (1) All fees, fines, taxes, payments, and assessments provided for under the act and these rules must be timely submitted to the board by a payment method acceptable to the board, such as a certified check, cashier's check, money order made payable to "State of Michigan," or electronic transfer of funds.

(2) A sports betting operator must remit the tax or payment imposed by the act to the board by an electronic transfer of funds. A sports betting operator licensee must maintain an account at a designated financial institution that is capable of handling electronic fund transfers.

(3) The following nonrefundable license application fees must be submitted to the board, together with the required license application form or forms, for the corresponding license classification to which the fees relate:

(a) Sports betting operator license application: $50,000.00.

(b) Sports betting supplier license application: $2,500.00.

(c) Occupational license application: $250.00.

(4) The license application fee will be used by the board to conduct an appropriate background investigation of the applicant as prescribed by the board, the act, and these rules. No portion of a remitted application fee will be refunded.

(5) An additional background investigation charge may be assessed to the extent the board's direct investigative costs exceed the applicant's application fee. Unless otherwise determined by the board, a license may not be issued until payment of the additional assessed charge for completion of the background investigation is received by the board.
(6) A licensee may also be assessed the board's direct investigative costs arising from a background investigation for renewal of a license to the extent the costs exceed the application fees. The board may deny a renewal application if the licensee does not pay the additional assessed costs by a date set by the board.
(7) The following license fees must be submitted to the board by the applicant upon initial issuance of the license under the act and these rules:
(a) Sports betting operator license: $100,000.00.
(b) Sports betting supplier license: $5,000.00.
(c) Occupational license: $250.00.
(8) The following license fees must be submitted to the board by the licensee after the initial license is issued under the act and these rules:
(a) Sports betting operator license annual fee: $50,000.00.
(b) Sports betting supplier license annual fee: $2,500.00.
(c) Occupational license biennial fee: $250.00.

R 432.724a Deposit of fees, fines, taxes, payments, and assessments.
Rule 724a. Except as provided in sections 15 and 15a of the act, MCL 432.415 and 432.415a, all fees, fines, taxes, payments, and assessments imposed by this state under the act and these rules must be deposited into the internet sports betting fund.

R 432.725 Investigation process for sports betting operators and sports betting suppliers.
Rule 725. The board shall conduct a background investigation on an applicant subject to the limitations of section 6 of the act, MCL 432.406, when the applicant is an Indian tribe. The board shall also use the information provided in the application and disclosure form or forms as a basis for a background investigation and to evaluate and determine the eligibility and suitability of the applicant to receive a sports betting operator license or sports betting supplier license under the licensing standards and criteria provided in the act and these rules. A misrepresentation or omission in the application is cause for the denial, suspension, restriction, or revocation of a sports betting operator license or sports betting supplier license by the board.

R 432.725a Persons required to be found eligible and suitable.
Rule725a. (1) The board shall not issue or renew a sports betting operator license or sports betting supplier license unless every person required by the act and these rules as part of the application for issuance or renewal of the license has first been determined by the board to be eligible and suitable in accordance with the relevant licensing standards set forth in the act and these rules.
(2) Unless otherwise prescribed by the board, the following persons are required to be found eligible and suitable as part of the application for the issuance, or request for renewal, of a sports betting operator license or sports betting supplier license:
(a) A person who is required to apply for a sports betting operator license or sports betting supplier license under the act and these rules.
(b) A person who is included in the term "applicant" as defined in section 2 of the act, MCL 432.403.
(c) A person who is a key person.

(3) A person required to be found eligible and suitable as part of the application for issuance or renewal of a sports betting operator license or sports betting supplier license must complete and file with the board an application and required disclosure forms in the manner and form prescribed by the board.
(4) A person that applies for or holds a sports betting operator or sports betting supplier license must ensure that all persons who are required by the act and these rules to establish their eligibility and suitability as part of the applicant's application for the issuance, or the licensee's maintenance or renewal, of the sports betting operator license or sports betting supplier license have filed, with the board, all required applications, reports, and disclosure forms in the manner and form prescribed by the board.

R 432.725b License issuance by the board—standards and criteria.
Rule 725b. (1) Except to the extent the board may require different or additional procedures, an applicant for a sports betting operator license or sports betting supplier license is subject to all of the following before licensing:
(a) Application.
(b) Background investigation.
(c) Action and decision by the board on the application.
(2) A person that is required to be licensed as a sports betting operator or sports betting supplier under the act and these rules must, before issuance of a sports betting operator's or sports betting supplier's license, produce information, documentation, and assurances to establish all of the following by clear and convincing evidence:
(a) Its suitability as to character, reputation, integrity, business probity, and financial ability.
(b) Its willingness to be subject to the jurisdiction of the board.
(c) That the applicant has adequate capitalization and the financial ability and the means to develop, construct, operate, and maintain the applicant's sports betting operator or sports betting supplier business in accordance with the act and these rules.
(d) That the applicant has adequate capitalization and the financial ability to responsibly pay its secured and unsecured debts in accordance with its financing agreements and other contractual obligations.
(e) That the applicant's compliance with casino or casino-related licensing requirements or compacts with this state or any other jurisdiction.
(f) That the applicant and all other persons required to be found eligible and suitable as part of the application are eligible and suitable for licensure under the licensing standards, criteria, and requirements.
(g) That the applicant, if an individual, and all other individuals required to be found eligible and suitable as part of the application are not less than 21 years of age, unless otherwise approved by the board.
(h) That the applicant and all other persons required to be found eligible and suitable as part of the application have not been convicted of any criminal offense involving gaming, theft, dishonesty, or fraud in any jurisdiction. However, the board may waive this requirement if the conviction occurred more than 5 years before the applicant applies for a license and the board is convinced that the applicant does not pose a threat to the integrity of internet sports betting and the applicant otherwise meets the requirements of this rule.
(i) That the applicant and all other persons required to be found eligible and suitable as part of the application do not appear on the exclusion list of any jurisdiction.
(j) That the applicant and all other persons required to be found eligible and suitable as part of the application are in substantial compliance with all local, state, and federal laws.

(k) That the applicant has the financial ability to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond.

(3) Subrule (2) of this rule does not apply to an Indian tribe except to the extent authorized by the act. To the extent a non-tribal applicant or licensee will be providing goods and services to a sports betting operator who is an Indian tribe, that applicant or licensee shall provide information relative to its relationship with the sports betting operator to determine if it is an arm of the tribe. Arm of the tribe means a tribally-created economic entity owned in part or in whole by the Indian tribe which was intended by the Indian tribe to share in its sovereign immunity and satisfies any relevant legal criteria under federal Indian law for establishing arm of the tribe status.

(4) Once licensed, a person must comply with the act and these rules. Failure to comply may result in disciplinary action.

R 432.725c Provisional licenses for sports betting suppliers.

Rule 725c. (1) Upon written request of a person applying for a sports betting supplier's license, the executive director may issue a provisional license to the applicant and permit the applicant to conduct business transactions with, and provide goods and services to sports betting operators, if all of the following provisions are complied with:

(a) A completed application, an application fee, and all required disclosure forms and other required written documentation and materials have been submitted by the applicant.

(b) Preliminary review of the application and a criminal history check does not reveal that the applicant or the applicant's affiliate or key person, has been convicted of a felony or misdemeanor involving gambling, theft, dishonesty, or fraud or may otherwise be ineligible or unsuitable to permit licensure under the act or these rules.

(c) There is no other apparent deficiency in the application that may require denial of the application.

(d) The applicant has a letter of intent to provide goods or services to a sports betting operator or the applicant shows good cause for being granted a provisional license.

(2) A provisional license issued under this rule expires on the date provided by the board.

(3) If the sports betting supplier's provisional license expires, or is suspended or revoked, the executive director shall forward the applicant's application for a sports betting supplier license to the board at the conclusion of the background investigation for action on the application.

(4) The board may, at its discretion, waive any or all of the provisions listed in subrule (1) of this rule if the applicant is licensed by the board under the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.201 to 432.226, or the lawful internet gaming act, 2019 PA 152, MCL 432.301 to 432.322.

R 432.726 Denials.

Rule 726. (1) If the board denies an application for a license, it shall direct the executive director to issue a notice of denial.

(2) An applicant, including an individual applying for an occupational license, who is served with a notice of denial under these rules may request a contested case hearing as set forth in these rules.

(3) The notice of denial is a finding that the person is ineligible or unsuitable for licensure or is otherwise in violation of the licensing requirements of the act or these rules. When the board denies an application for a license, the person is prohibited from conducting business that would otherwise require licensure.

(4) A person whose application for a license has been denied may not reapply for a period of 1 year from the date on which the board voted to deny the application unless otherwise approved by the board.

(5) A person whose application for a license was denied may seek leave of the board to reapply within the 1-year period by addressing the request to the board. The board may require the person to present oral or written argument outlining why an exception should be made.

R 432.727 Renewal of a license.

Rule 727. (1) A sports betting operator or sports betting supplier license when issued is valid for a 5-year period.

(2) A sports betting operator or sports betting supplier licensee may renew its license every 5 years after receiving its initial license.

(3) A sports betting operator or sports betting supplier licensee intending to renew its license must, at least 30 days before expiration of its license, submit the annual license renewal fee and application in the manner and form required by the board.

(4) If the board denies the application for renewal, it shall direct the executive director to issue the licensee a notice of nonrenewal.

(5) A sports betting operator or sports betting supplier licensee who is served with a notice of nonrenewal under this rule may request a contested case hearing as set forth in these rules.

(6) The notice of nonrenewal is a finding that the sports betting operator or sports betting supplier licensee is ineligible or unsuitable for licensure or is otherwise in violation of the licensing requirements of the act or these rules. When the board denies an application for renewal, the person is prohibited from conducting business that would otherwise require licensure.

R 432.728 Application explained; applicant to demonstrate eligibility and suitability.

Rule 728. (1) An application for a license under the act and these rules is a request by the applicant seeking a revocable privilege. A license must be granted by the board if the applicant meets the licensing requirements of the act and these rules.

(2) An applicant for a license under the act and these rules, at all times, has the burden of demonstrating to the board, by clear and convincing evidence, that the applicant is eligible and suitable to be granted and retain the license for which application is made under the applicable licensing standards and requirements of the act and these rules.

(3) A license issued by the board under the act and these rules is a revocable privilege granted by the board. A person who holds a license does not acquire, and must not be considered to have acquired, a vested property right or other right in the license.

(4) An applicant or licensee must accept any risk of adverse publicity, public notice, notoriety, embarrassment, criticism, financial loss, or other unfavorable or harmful consequences that may occur in connection with, or as a result of, the application and licensing process or the public disclosure of information submitted to the board with a license application or at the board's request under the act and these rules.

(5) An applicant or licensee may claim any privilege afforded by the Constitution or laws of the United States or of this state in refusing to answer questions or provide information requested by the board. However, a claim of privilege with respect to any testimony or evidence pertaining to the eligibility or suitability of an applicant or licensee to be granted or hold a license under the act and these rules may constitute cause for denial, suspension, revocation, or restriction of the license.

(6) An applicant and licensee have a continuing duty to do all of the following:

(a) Notify the board of a material change in the information submitted in the license application submitted by the applicant or licensee or a change in circumstance that may render the applicant or licensee ineligible or unsuitable to hold the license under the licensing standards and requirements of the act and these rules.

(b) Maintain the applicant's or licensee's eligibility and suitability to be issued and hold the license held or applied for under the act and these rules.

(c)Provide any information or records requested by the board relating to licensing or regulation; cooperate with the board in investigations, inspections, audits, hearings, and enforcement and disciplinary actions; allow access to its facilities relevant to Michigan internet sports betting operations; and comply with all conditions, restrictions, requirements, orders, and rulings of the board in accordance with the act and these rules.

R 432.728a Eligibility and suitability of new key person.

Rule 728a. An individual required to be found eligible and suitable or licensed under the act or these rules by virtue of his or her position with a sports betting operator licensee must not perform any duties or exercise any powers of the position until he or she is determined to be eligible and suitable and is licensed by the board.

R 432.728b Duty to disclose violation of licenses.

Rule 728b. A sports betting operator and a sports betting supplier must immediately notify the board, in writing, if it becomes aware that a sports betting operator, sports betting supplier, or occupational licensee involved in its internet sports betting operations under the act has acted contrary to the act or these rules.

R 432.728c Contracts.

Rule 728c. The sports betting operator must maintain all contracts that relate to its Michigan internet sports betting operations for 5 years following its expiration. The board must be allowed access to any contract entered into by a sports betting operator upon demand. The sports betting operator may be required by the board to promptly submit copies of any such contract upon request of the board.

R 432.729 Vendors.

Rule 729. (1) All of the following apply regarding vendor registration:

(a) A vendor who provides goods or services, or both, directly or indirectly, to a sports betting operator or internet sports betting platform provider in connection with its Michigan internet sports betting operation may be required to register with the board. Vendors requiring registration include, but are not limited to, the following:

(i) Affiliate marketers that do not have an agreement based on the sharing of customer revenue. In connection with its vendor registration, the affiliate marketer must certify it does not promote or market, or both, illegal sports betting sites to individuals located in Michigan. An illegal sports betting site is one that is not licensed to accept wagers from customers located in Michigan or any other state.

(ii) Independent integrity monitoring providers.

(iii) Payment processors.

(iv) A person that provides over $100,000.00 worth of goods or services, or both, to any sports betting operator or internet sports betting platform provider in connection with its Michigan internet sports betting operation in a calendar year.

(v) Data centers providing physical security and infrastructure.

(vi) Any other person as considered necessary by the board.

(b) Unless otherwise provided for by the board, a person must be registered as a vendor before providing goods or services, or both, as a vendor to a sports betting operator or sports betting platform provider.

(c) A sports betting operator or sports betting platform provider is prohibited from using an unregistered vendor to provide goods or services that require a vendor registration.

(d) Unless otherwise provided for by the board, the following persons are not required to register as a vendor:

(i) Insurance companies.

(ii) A person or entity that provides legal services.

(iii) Entities providing medical related services.

(iv) Michigan public institutions of higher education.

(v) Public utilities regulated by the Michigan public service commission.

(vi) A Michigan or federally chartered depository financial institution.

(vii) A person or business that provides goods or services as a result of the licensee's employees engaging in business travel, including transportation, lodging, food, and fuel providers.

(viii) A person who provides employee training or professional development to a licensee.

(ix) A person who provides conferences, seminars, publications, or memberships that will directly contribute to the work performance or professional development of the licensee's employees.

(e)To register, a vendor must complete and file with the board an application for registration and required disclosure forms in the manner and form prescribed by the board. An application for registration and required disclosure forms must be submitted to the board, together with a nonrefundable application fee of $200.00 by a payment method acceptable to the board, such as a certified check, cashier's check, money order made payable to "State of Michigan", or electronic fund transfer.

(2) All of the following apply regarding renewal of a vendor registration:

(a) A vendor must renew its registration every 5 years after initial registration.

(b) A vendor intending to renew its registration must, at least 30 days before expiration of its registration, submit the annual registration fee and application in the manner and form required by the board.

(3) All of the following apply regarding vendor conduct:

(a) A vendor must, at all times, conduct itself in a manner that does not compromise the integrity of internet sports betting or violate any applicable provisions of the act and these rules.

(b) The board may conduct an investigation to determine if a vendor has acted in a manner that does or could compromise the integrity of internet sports betting in this state. The following may be considered during an investigation:

(i) Criminal records.

(ii) Suspension of licenses, registration certificates, or their equivalent, or any other adverse actions in other jurisdictions.

(iii)Business reputation.

(iv)Associations with businesses and individuals.

(v) Compliance with gaming laws and regulations in Michigan and other jurisdictions.

(vi)Any other information considered appropriate by the board.

(c) Vendors agree to be subject to the jurisdiction of the board, have a continuing duty to provide information or records requested by the board, must cooperate with the board in any investigation, inspection, audit, or inquiry, and must allow the board access to its facilities that are relevant to Michigan internet sports betting operations.

(d) If the investigation reveals a vendor's conduct could or does compromise the integrity of internet sports betting in this state, the board may issue a cease and desist order, obtain injunctive relief, or take any other action necessary to protect the integrity of internet sports betting in this state, or all 3.

(e) Vendors have a continuing duty to notify the board of any change in information previously submitted to the board.

PART 3. TECHNICAL STANDARDS

R 432.731 Geofence requirements.

Rule 731. (1) All internet sports betting transactions must be initiated and received or otherwise made by an authorized participant located in this state or, if the board authorizes multijurisdictional internet sports betting in accordance with the act, another jurisdiction in the United States authorized by the multijurisdictional agreement.

(2) To prevent the unauthorized placement of an internet sports betting wager by an individual not within this state, the internet sports betting platform provider must utilize a geofencing system to reasonably detect the physical location of an individual or authorized participant attempting to access the internet sports betting platform and place an internet sports betting wager and to monitor and block unauthorized attempts to access the internet sports betting platform to place an internet sports betting wager when an individual or authorized participant is not within the permitted boundary.

(3) The geofencing system must ensure that an individual or authorized participant is located within the permitted boundary when placing an internet sports betting wager, and must be equipped to dynamically monitor the individual's or authorized participant's location and block unauthorized attempts to access the internet sports betting platform to place an internet sports betting wager throughout the duration of the internet sports betting authorized participant session.

(4) The board shall approve all technical specifications for geofencing and any specific requirements related to geofencing technology that is commercially available.

R 432.732 Approval of internet sports betting platform.

Rule 732. (1) Except as otherwise determined by the board in writing, an internet sports betting platform provider or sports betting supplier must not distribute an internet sports betting platform to a sports betting operator unless the internet sports betting platform has been approved by the board.

(2) An internet sports betting platform provider may seek approval of its internet sports betting platform by submitting an application to the board in the manner and form prescribed by the board.

(3) If a sports betting operator does not utilize an internet sports betting platform provider and, instead, develops its own internet sports betting platform, the sports betting operator is considered both a sports betting operator and an internet sports betting platform provider for the purposes of this part.

R 432.732a Internet sports betting platform submission and approval process.

Rule 732a. (1) Each internet sports betting platform provider must submit its internet sports betting platform proposed for use by a sports betting operator to the board or to an independent lab approved by the board for evaluation. The internet sports betting platform provider must provide all information the board requests, including, but not limited to, all the following:

(a) A complete, comprehensive, and technically accurate description and explanation of the internet sports betting platform and its intended use in both technical and lay language. The document must be signed under penalty of perjury.

(b) Detailed operating procedures or service manuals, or both, of the internet sports betting platform.

(c) Details of all tests performed on the internet sports betting platform, the conditions and standards under which the tests were performed, the test results, and the identity of the individual who

conducted each test.

(d) A detailed description of the risk management framework including but not limited to:
  (i) User access controls for all internet sports betting personnel.
  (ii) Information regarding segregation of duties.
  (iii) Information regarding automated risk management procedures.
  (iv) Information regarding fraud detection.
  (v) Controls for ensuring regulatory compliance.
  (vi) Description of anti-money laundering compliance standards.
  (vii) Description of all software applications that comprise the internet sports betting platform.
  (viii) Description of all event categories and wager types available to be offered by the internet sports betting platform.
  (ix) Description of all integrated third-party systems.
  (x) Description of the method to prevent past posting.

(2) All sports betting software used to accept sports betting wagers must be designed with a method to permit the validation of software using Gaming Authentication Tool or other method approved by the board.

(3) The internet sports betting platform provider or sports betting supplier must submit all internet sports betting source code and any special tool, computer equipment, compiling program, or other technical assistance necessary to compile the submitted software. The result of the compiled source code must be identical to that in the storage medium submitted for evaluation.

(4) The internet sports betting platform provider or sports betting supplier must provide the board with a method to compensate for or resolve any differences between the compiled program and the submitted program.

(5) The internet sport betting platform provider or sports betting supplier may employ other equivalent methods that ensure the results of the complied source code are identical to the storage medium submitted for evaluation upon written request and approval of the board.

(6) Except where the board has provided written notification that approval is not required, a sports betting operator must install or use an internet sports betting platform that has been approved by the board. A sports betting operator must not alter the manner in which the internet sports betting platform operates without the prior written approval of the board.

(7) After evaluating the internet sports betting platform, the board shall advise the internet sports betting platform provider, in writing, of the determination.

R 432.732b Procedures and notification requirements after approval.

Rule 732b. (1) If another gaming jurisdiction revokes or otherwise directs discontinuance of the internet sports betting platform or any component of the internet sports betting platform that has been approved by the board, the sports betting operator or internet sports betting platform provider or both must advise the board in writing of the discontinuance within 21 days of the revocation or direction of discontinuance.

(2) A sports betting operator, sports betting operator applicant, or internet sports betting platform provider must immediately notify the board, in writing, of any defects or malfunctions of the internet sports betting platform or any component of the internet sports betting platform that affects the integrity or conduct of internet sports betting, proper reporting of adjusted gross sports betting receipts, or that materially affects the operation, or safety of, or betting on, any internet sports betting platform or any component of the internet sports betting platform that has been approved by the board and is utilized by the sports betting operator or sports betting operator applicant.

(3) A sports betting operator and internet sports betting platform provider must maintain all records required under this rule for a minimum of 5 years.

(4) The board may require a sports betting operator to discontinue use of the internet sports betting platform or any component of the internet sports betting platform for any of the following reasons:
(a) The internet sports betting platform or component of the internet sports betting platform does not perform in the manner described in the application and related submission documentation.
(b) The internet sports betting platform or component of the internet sports betting platform is defective or malfunctions frequently.
(c) The internet sports betting platform or component of the internet sports betting platform has a detrimental impact on the conduct or integrity of internet sports betting.
(d) The internet sports betting platform or component of the internet sports betting platform improperly computes adjusted gross sports betting receipts.
(5) The board shall provide written notification to the internet sports betting platform provider and the sports betting operator if the internet sports betting platform or component of the internet sports betting platform is no longer approved for use.

R 432.733 Internet sports betting platform technical standards.
Rule 733. (1) An internet sports betting platform for use to conduct internet sports betting must meet the specifications set forth in these rules or other technical specifications as prescribed by the board. Failure to comply with the approved specifications, internal controls, or technical specifications may result in disciplinary action by the board.
(2) Sports betting operators and internet sports betting platform providers must comply with, and the board adopts and incorporates by reference, Gaming Laboratories International, LLC Standard GLI-33: Standards for Event Wagering Systems, version 1.1, released May 14, 2019, which is available for inspection and distribution at no cost, as of the time of adoption of these rules, at the board's office located at 3062 W. Grand Blvd., Suite L-700, Detroit, Michigan 48202-6062 or Gaming Laboratories International website at https://gaminglabs.com and does not include any later amendments or editions. GLI-33 standards are intended to supplement rather than supplant other technical standards and requirements under these rules.
(3) Before conducting internet sports betting, and as otherwise required by the board, the internet sports betting platform provider must submit the internet sports betting platform used in conjunction with the internet sports betting operation to the board or an independent testing laboratory approved by the board for certification testing.
(4) If the internet sports betting platform meets or exceeds the technical standard adopted in subrule (2) of this rule, the board or independent testing laboratory approved by the board shall certify the internet sports betting platform. Sports betting operators and internet sports betting platform providers are prohibited from offering internet sports betting in Michigan without such certification. The internet sports betting platform provider is responsible for all costs associated with testing and obtaining such certifications.

R 432.734 Location of servers, security, and cloud storage.
Rule 734. (1) Unless otherwise approved by the board in writing, a sports betting operator and its internet sports betting platform provider must place a server or other equipment that is capable of receiving internet sports betting wagers in this state. The location selected must have adequate security, protections, and controls over the servers or other equipment that is capable of receiving internet sports betting wagers, including those adopted in R 432.733(2). Sports betting operators and its internet sports betting platform provider must provide the board with information on the location of all servers and other equipment.
(2) The board may approve of the use of cloud storage for duplicate data upon written request of a sports betting operator or internet sports betting platform provider.

R 432.735 Communication standards.
Rule 735. (1) All internet sports betting platforms authorized by the board under these rules must be designed to ensure the integrity and confidentiality of all individual and authorized participant communications and ensure the proper identification of the sender and receiver of all communications.
(2) If communications are performed across a public or third-party network, the internet sports betting platform must either encrypt the data packets or utilize a secure communications protocol to ensure the integrity and confidentiality of the transmission.
(3) Internet sports betting platform providers must meet or exceed all communication standards prescribed by the board.
(4) Internet sports betting platform providers or sports betting operators, or both must address all communication requirements in the internet sports betting platform and internal controls submitted to the board for approval.

R 432.736 Internet sports betting data logging standards.
Rule 736. (1) Internet sports betting platforms must employ a mechanism capable of maintaining a separate copy of all information the board requires to be logged. Except as otherwise provided in subrule (2) of this rule, the information must be maintained on a separate and independent logging device capable of being administered by an employee with no incompatible function.
(2) If the internet sports betting platform can be configured such that any logged data is contained in a secure transaction file, a separate logging device is not required.
(3) Internet sports betting platform providers must meet or exceed all internet sports betting data logging standards prescribed by the board.
(4) Internet sports betting platform providers or sports betting operators or both must address all internet sports betting data logging requirements in the internet sports betting platform and internal controls submitted to the board for approval.
(5) The internet sports betting platform must provide a mechanism for the board to query and export, in a format required by the board, all internet sports betting platform data related to internet sports betting conducted under the act.

R 432.737 Self-monitoring of internet sports betting platform critical components.
Rule 737. An internet sports betting platform must, at least once every 24 hours, perform a self-authentication process on all software used to offer, record, and process internet sports betting wagers under this act that is identified by the board as a critical component of the sports betting platform, to ensure there have been no unauthorized modifications. If there is an authentication failure, the internet sports betting platform must immediately notify the sports betting operator, internet sports betting platform provider, and the board within 24 hours. The results of all self-authentication attempts must be retained by the internet sports betting platform for not less than 90 days.

R 432.737a Change approval.
Rule 737a. (1) Any change or modification to the internet sports betting platform that impacts a regulated feature of an approved internet sports betting platform, unless otherwise permitted by the board, requires submission to and approval by the board before the implementation of the change or modification. Regulated feature includes, but is not limited to, internet sports betting platform and internet sports betting software that is validated using a gaming authentication tool or other method approved by the board and all critical component software.
(2) The sports betting operator and its internet sports betting platform provider must submit change control processes that detail evaluation procedures for all updates and changes to equipment and the

internet sports betting platform to the board for approval. These processes must include details for identifying the criticality of updates and determining the updates that must be submitted to the board or a board approved independent testing laboratory for review and certification.

R 432.738 Internet sports betting platform assessment.

Rule 738. (1) Each sports betting operator or internet sports betting platform provider shall, within 90 days after commencing operations, and annually thereafter, perform an internet sports betting platform integrity and security assessment of the internet sports betting platform conducted by an independent professional selected by the sports betting operator or internet sports betting platform provider and subject to approval of the board. The scope of the internet sports betting platform integrity and security assessment is subject to approval of the board and must include, at a minimum, all of the following:

(a) A vulnerability assessment of internal, external, and wireless networks with the intent of identifying vulnerabilities of all devices, the internet sports betting platforms, and applications connected to or present on the networks.

(b) A penetration test of all internal, external, and wireless networks to confirm if identified vulnerabilities of all devices, the internet sports betting platforms, and applications are susceptible to compromise.

(c) A policy and procedures review against the current ISO 27001 standard or another similar standard approved by the board.

(d) Any other specific criteria or standards for the internet sports betting platform integrity and security assessment as prescribed by the board.

(2) The full independent professional's report on the assessment must be submitted to the board and must include all the following:

(a) Scope of review.

(b) Name and company affiliation of the individual or individuals who conducted the assessment.

(c) Date of assessment.

(d) Findings.

(e) Recommended corrective action, if applicable.

(f) Sports betting operator’s or internet sports betting platform provider’s response to the findings and recommended corrective action.

R 432.739 Sports betting operators and internet sports betting platform provider technical and security standards (controls).

Rule 739. (1) A sports betting operator or its internet sports betting platform provider, or both must adopt, implement, and maintain technical security standards (controls) that meet or exceed those adopted in R 432.733(2). The technical security standards must apply, at a minimum, to all the following critical components of the internet sports betting platform:

(a) Components that record, store, process, share, transmit or retrieve sensitive information (e.g., validation numbers, personal identification number (PIN), individual and authorized participant data).

(b) Components that store results or the current state of an authorized participant’s internet sports betting wager.

(c) Points of entry to and exit from the components provided for in subdivisions (a) to (c) of this subrule and other systems that are able to communicate directly with core critical internet sports betting platform components.

(d) Communication networks that transmit sensitive information involving sports betting under the act.

(2) The following technical security standards are the minimum standards a sports betting operator or internet sports betting platform provider must incorporate into its internal controls:

(a) Technical security standards addressing internet sports betting platform operations and security include, but are not limited to, all of the following:

(i) Internet Sports Betting Platform Operations and Security. The sports betting operator or internet sports betting platform provider must adopt, implement, and maintain procedures for, at a minimum, the following:

(A) Monitoring the critical components and the transmission of data of the entire internet sports betting platform.

(B) Maintenance of all aspects of security of the internet sports betting platform to ensure secure and reliable communications.

(C) Defining, monitoring, documenting, reporting, investigating, responding to, and resolving security incidents.

(D) Monitoring and adjusting resource consumption and maintaining a log of the internet sports betting platform performance.

(E) Investigating, documenting, and resolving malfunctions.

(ii) Physical Location of Servers and Security. The internet sports betting platform must be housed in secure locations. Sports betting operators and their internet sports betting platform providers must provide the board with information on the location of all internet sports betting platform servers. The secure locations must have sufficient protection from unauthorized access and physical and environmental hazards and be equipped with surveillance and security systems that meet or exceed industry standards.

(iii) Internet Sports Betting Platform Logical Access Controls. The internet sports betting platform must be logically secured against unauthorized access.

(iv) Internet Sports Betting Platform User Authorization. The internet sports betting platform must be subject to user authorization requirements as required by the board.

(v) Server Programming. The internet sports betting platform must be sufficiently secure to prevent any user-initiated programming capabilities on the server that may result in unauthorized modifications to the database.

(vi) Verification Procedures. Procedures must be in place for verifying on demand that the critical control program components of the internet sports betting platform in the production environment are identical to those approved by the board.

(vii) Electronic Document Retention System. The sports betting operator or internet sports betting platform provider must establish procedures that ensure that all reports required under the act and these rules are stored in an electronic document retention system.

(viii) Asset Management. All assets that house, process, or communicate sensitive information, including those comprising the operating environment of the internet sports betting platform, or its components, or both must be accounted for and have a nominated owner or designated management official that is responsible for each asset.

(b) Technical security standards addressing data security and backup and recovery include, but are not limited to, all of the following:

(i) Data Security. The internet sports betting platform must provide a logical means for securing individual and authorized participant data and wagering data, including accounting, reporting, significant event, or other sensitive information, against alteration, tampering, or unauthorized access.

(ii) Data Alteration. The alteration of any accounting, reporting, or significant event data relating to sports betting under the act is not permitted without supervised access controls. If any data is changed, all information required by the board must be documented or logged.

(iii) Backup Frequency. Backup scheme implementation relating to information involving sports betting under the act must occur at least once every day or as otherwise specified by the board.

(iv) Storage Medium Backup. Audit logs, internet sports betting platform databases, and any other pertinent individual and authorized participant data and wagering data must be stored using reasonable protection methods. The internet sports betting platform must be designed to protect the integrity of this data if there is a failure. Redundant copies of this data must be kept on the internet sports betting platform with open support for backups and restoration, so that no single failure of any portion of the internet sports betting platform would cause the loss or corruption of the data.

(v) Internet Sports Betting Platform Failure. The internet sports betting platform must have sufficient redundancy and modularity so that if any single component or part of a component fails, the functions of the internet sports betting platform and the process of auditing those functions can continue with no critical data loss. If 2 or more components are linked, the process of all internet sports betting operations between the components must not be adversely affected by restart or recovery of either component and upon restart or recovery, the components must immediately synchronize the status of all transactions, data, and configurations with one another.

(vi) Accounting and Master Resets. The sports betting operator or internet sports betting platform provider must be able to identify and properly handle the situation where a master reset has occurred on any component that affects internet sports betting under the act.

(vii) Recovery Requirements. If there is a catastrophic failure when the internet sports betting platform cannot be restarted in any other way, it must be possible to restore the internet sports betting platform from the last backup point and fully recover. The contents of that backup must contain critical information as required by the board.

(viii) Uninterrupted Power Supply (UPS) Support. All internet sports betting platform components must be provided with adequate primary power. If the server is a stand-alone application, it must have a UPS connected and must have sufficient capacity to permit a methodical shut-down that retains all individual and authorized participant data and wagering data during a power loss. It is acceptable that the internet sports betting platform may be a component of a network that is supported by a network-wide UPS if the server is included as a device protected by the UPS. There must be a surge protection system in use if not incorporated into the UPS itself.

(ix) Business Continuity and Disaster Recovery Plan. A business continuity and disaster recovery plan must be in place to recover internet sports betting operations conducted under the act if the internet sports betting platform's production environment is rendered inoperable.

(c) Technical security standards addressing communications include, but are not limited to, all of the following:

(i) Connectivity. Only authorized sports betting wagering devices are permitted to establish communications between any internet sports betting platform components.

(ii) Communication Protocol. Each component of the internet sports betting platform must function as indicated by a documented secure communication protocol.

(iii) Communication Over Internet/Public Network. Communications between internet sports betting platform components must be secure. Individual and authorized participant data, sensitive information, internet sports betting wagers, results, financial information, and individual and authorized participant transaction information related to sports betting conducted under the act must always be encrypted and protected from incomplete

transmissions, misrouting, unauthorized message modification, disclosure, duplication, or replay.

(iv) Wireless Local Area Network (WLAN) Communications. The use of WLAN communications must adhere to applicable requirements specified for wireless devices and is subject to approval by the board.

(v) Network Security Management. Networks must be logically separated to ensure that there is no network traffic on a network link that cannot be serviced by hosts on that link.

(vi) Mobile Computing and Communications. Formal policies shall be in place, and appropriate security measures shall be adopted to protect against the risk of using mobile computing and communication facilities. Telecommuting shall not be permitted except under circumstances where the security of the endpoint can be guaranteed

(d) Technical security standards addressing third party service providers include, but are not limited to, all of the following:

(i) Third-Party Service Communications. Where communications related to sports betting conducted under the act are implemented with third-party service providers, the internet sports betting platform must securely communicate with all third-party service providers utilizing encryption and strong authentication, ensure that all login events are recorded to an audit file, and ensure that all communications do not interfere or degrade normal internet sports betting platform functions.

(ii) Third-Party Services. The roles and responsibilities of each third-party service provider engaged by the sports betting operator or internet sports betting platform provider must be defined and documented in a manner approved by the board. The sports betting operator or internet sports betting platform provider must have policies and procedures in place for managing third-party service providers and monitoring their adherence to relevant security requirements.

(e) Technical security standards addressing technical controls include, but are not limited to, all of the following:

(i) Domain Name Service (DNS) Requirements. A sports betting operator or internet sports betting platform provider must establish requirements that apply to servers used to resolve DNS queries used in association with the internet sports betting platform.

(ii) Cryptographic Controls. A sports betting operator or internet sports betting platform provider must establish and implement a policy for the use of cryptographic controls that ensures the protection of information.

(iii) Encryption Key Management. The management of encryption keys must follow defined processes established by the sports betting operator or internet sports betting platform provider and approved by the board.

(f) Technical security standards addressing remote access and firewalls include, but are not limited to, all of the following:

(i) Remote Access Security. Remote access, if approved by the board, must be performed via a secured method, must have the option to be disabled, may accept only the remote connections permissible by the firewall application and internet sports betting platform settings, and must be limited to only the application functions necessary for users to perform their job duties.

(ii) Remote Access and Guest Accounts Procedures. Remote access and guest accounts procedures must be established that ensure that remote access is strictly controlled.

(iii) Remote Access Activity Log. The remote access application must maintain an activity log that updates automatically and records and maintains all remote access information.

(iv) Firewalls. All communications, including remote access, must pass through at least 1

approved application-level firewall. This includes connections to and from any non-internet sports betting platform hosts used by the sports betting operator or internet sports betting platform provider.

(v) Firewall Audit Logs. The firewall application must maintain an audit log and must disable all communications and generate an error if the audit log becomes full. The audit log must contain, at a minimum, all the following information:
(A) All changes to configuration of the firewall.
(B) All successful and unsuccessful connection attempts through the firewall.
(C) The source and destination IP Addresses, Port Numbers, Protocols, and where possible, MAC Addresses.

(vi) Firewall Rules Review. The firewall rules must be periodically reviewed by the sports betting operator or internet sports betting platform provider to verify the operating condition of the firewall and the effectiveness of its security configuration and rule sets and must be performed on all the perimeter firewalls and the internal firewalls.

(g) Technical security standards addressing change management include, but are not limited to, all of the following:

(i) Program Change Control Procedures. Program change control procedures must ensure that only authorized versions of programs are implemented on the production environment.

(ii) Software Development Life Cycle. The acquisition and development of new software must follow defined processes established by the sports betting operator or internet sports betting platform provider and subject to review by the board.

(iii) Patches. All patches should be tested, as applicable, in a development and test environment configured to match the target production environment before being deployed into production. Permitted exceptions and related procedures and controls must be fully addressed.

(h) Technical security standards addressing periodic security testing include, but are not limited to, all of the following:

(i) Technical Security Testing. Periodic technical security tests on the production environment must be performed quarterly or as required by the board to guarantee that no vulnerabilities putting at risk the security and operation of the internet sports betting platform exist.

(ii) Vulnerability Assessment. The sports betting operator or the internet sports betting platform provider must conduct vulnerability assessments. The purpose of the vulnerability assessment is to identify vulnerabilities, which could be later exploited during penetration testing by making basic queries relating to services running on the internet sports betting platform concerned.

(iii) Penetration Testing. The sports betting operator or the internet sports betting platform provider must conduct penetration testing. The purpose of the penetration testing is to exploit any weaknesses uncovered during the vulnerability assessment on any publicly exposed applications or internet sports betting platform hosting applications processing, transmitting, or storing sensitive information.

(iv) Information Security Management System (ISMS) Audit. An audit of the ISMS will be periodically conducted, including all the locations where sensitive information is accessed, processed, transmitted, or stored. The ISMS will be reviewed against common information security principles in relation to confidentiality, integrity, and availability.

(v) Cloud Service Audit. A sports betting operator and its internet sports betting platform provider that utilizes a cloud service provider (CSP), if approved by the board, to store, transmit, or process sensitive information must undergo a specific audit as required by the board. The CSP must be reviewed against common information security principles in relation

to the provision and use of cloud services, such as ISO/IEC 27017 and ISO/IEC 27018, or equivalent.

(3) The sports betting operator or its internet sports betting platform provider, or both must include the technical security standards (controls) in the internal controls and internet sports betting platform submitted to the board for approval.

(4) The technical security standards (controls) must:

(a) Have a provision requiring review when changes occur to the internet sports betting platform.

(b) Be approved by the sports betting operator's or internet sports betting platform provider's senior management.

(c) Be communicated to all affected employees and relevant external parties.

(d) Undergo review at planned intervals.

(e) Delineate the responsibilities of the sports betting operator's staff, the internet sports betting platform provider's staff, and the staff of any third parties for the operation, service, and maintenance of the internet sports betting platform or its components, or both.

R 432.739a Test Accounts.

Rule 739a. A sports betting operator or internet sports betting platform provider may establish test accounts to be used to test the various components and operation of an internet sports betting platform pursuant to internal controls adopted by the sports betting operator or internet sports betting platform provider, which, at a minimum, must address all of the following:

(a) The procedures for issuing funds used for testing, including the identification of who may issue the funds and the maximum amount of funds that may be issued.

(b) The procedures for assigning each test account for use by only 1 individual. However, a sport betting operator may establish a specific scenario or instance of a test account that may be shared by multiple users if each user's activities are separately logged.

(c) The maintenance of a record for all test accounts, to include when they are active, to whom they are issued, and the employer of the individual to whom they are issued.

(d) The procedures for auditing testing activity by the sports betting operator or internet sports betting platform provider to ensure the accountability of funds used for testing and proper adjustments to gross sports betting receipts.

(e) The procedures for authorizing and auditing out-of-state test activity.

PART 4. AUTHORIZED PARTICIPANT WAGERS

R 432.741 Authorized participant complaints.

Rule 741. (1) A sports betting operator or internet sports betting platform provider must include on its internet sports betting platform a clear mechanism to advise authorized participants of their right to make a complaint against the sports betting operator or internet sports betting platform provider, including information explaining how complaints can be filed, how complaints are resolved, and how the authorized participant may submit a complaint to the board.

(2) A sports betting operator or internet sports betting platform provider must attempt to resolve all complaints with the authorized participant.

(3) A sports betting operator or internet sports betting platform provider must investigate each complaint and provide a response to the authorized participant within 10 calendar days after receipt of the complaint.

(4) In its response, the sports betting operator or internet sports betting platform provider must advise the authorized participant of his or her right to submit the complaint to the board in the form and manner prescribed by the board.
(5) The complaint and the sports betting operator's or internet sports betting platform provider's response must be made in writing.
(6) Unless otherwise directed by the board, for complaints related to internet sports betting accounts, settlement of internet sports betting wagers, or illegal activity related to internet sports betting that cannot be resolved to the satisfaction of the authorized participant, the sports betting operator or internet sports betting platform provider must promptly notify the board of the complaint and the sports betting operator's or internet sports betting platform provider's response.
(7) On receipt of a complaint from an authorized participant or notification of an unresolved complaint from a sports betting operator or internet sports betting platform provider, the board may conduct any investigation the board considers necessary and may direct a sports betting operator or internet sports betting platform provider to take any corrective action the board considers appropriate.
(8) A sports betting operator or internet sports betting platform provider must maintain records related to authorized participant complaints for a minimum of 5 years and must provide the records to the board on request.

R 432.742 Bank secrecy act compliance.
Rule 742. (1) A sports betting operator or internet sports betting platform provider must comply with all provisions of the bank secrecy act of 1970, 31 USC 5311 to 5332, applicable to the sports betting operator's or internet sports betting platform provider's internet sports betting operation.
(2) A sports betting operator or internet sports betting platform provider must, with regard to its internet sports betting operation, maintain records related to its compliance with the bank secrecy act of 1970, 31 USC 5311 to 5332, including all currency transaction reports, suspicious activity reports, and any supporting documentation, for a minimum of 5 years. The sports betting operator or internet sports betting platform provider must provide the records to the board and any appropriate law enforcement agencies on request consistent with the authorization prescribed in the bank secrecy act of 1970, 31 USC 5311 to 5332, and applicable regulations.
(3) A sports betting operator or internet sports betting platform provider must provide a written notice to the board as soon as the sports betting operator or internet sports betting platform provider becomes aware of a compliance review that is conducted by the Internal Revenue Service under the bank secrecy act of 1970, 31 USC 5311 to 5332, and involves or impacts the sports betting operator's or internet sports betting platform provider's internet sports betting operation. The sports betting operator or internet sports betting platform provider must provide a copy of the compliance review report or the equivalent to the board within 10 days after the receipt of the report by the sports betting operator or internet sports betting platform provider.

R 432.743 Integrity monitoring/suspicious behavior.
Rule 743. (1) A sports betting operator or internet sports betting platform provider must have internal controls in place to identify unusual wagering activity and promptly report that activity to an independent integrity monitoring provider.
(2) All independent integrity monitoring providers must share information with each other and must disseminate all reports of unusual wagering activity to all member sports betting operators and internet sports betting platform providers. All sports betting operators and internet sports betting platform providers must review these reports and notify the independent integrity monitoring provider whether they have experienced similar activity.

(3) If an independent integrity monitoring provider finds that previously reported unusual wagering activity rises to the level of suspicious wagering activity, it must immediately notify all other independent integrity monitoring providers, its member sports betting operators and internet sports betting platform providers, the board, the appropriate sports governing body, and all other regulatory agencies as directed by the board. All independent integrity monitoring providers receiving a report under this subrule must share such report with their member sports betting operators and internet sports betting platform providers.

(4) A sports betting operator or internet sports betting platform provider receiving a report of suspicious wagering activity must be permitted to suspend wagering on events or wager types related to the report, but may only cancel internet sports betting wagers related to the report after receiving approval from the board.

(5) The board may require a sports betting operator or internet sports betting platform provider to provide any hardware or software necessary to the board, or to an independent lab approved by the board, for evaluation of its internet sports betting offering or to conduct further monitoring of data provided by its internet sports betting platform.

(6) A sports betting operator or internet sports betting platform provider must maintain records of all integrity monitoring services and activities, including all reports of unusual or suspicious wagering activity and any supporting documentation, for a minimum of 5 years and must provide such records to the board on request.

(7) If the board receives information regarding the integrity of events on which internet sports betting wagers are made, the board may, to the extent allowed or provided for in the act and these rules, share such information with a sports betting operator, internet sports betting platform provider, independent integrity monitoring provider, sports governing body, sports team, law enforcement entity, regulatory agency, or other person the board considers appropriate.

(8) An independent integrity monitoring provider must register as a vendor with the board before providing integrity monitoring services to a sports betting operator or internet sports betting platform provider under the act and these rules.

(9) An independent integrity monitoring provider must maintain records of all integrity monitoring services and activities relating directly or indirectly to Michigan internet sports betting, sports betting operators, or internet sports betting platform providers for a minimum of 5 years and must provide the board with access to these records in a manner approved by the board. These records must include, at a minimum:
   (a) All reports of unusual wagering activity.
   (b) If the activity was determined to be suspicious wagering activity.
   (c) The actions taken by the independent integrity monitoring provider.

(10) A sports betting operator or internet sports betting platform provider must maintain the confidentiality of information provided by a sports governing body to the sports betting operator or internet sports betting platform provider related to unusual wagering activity, suspicious wagering activity, or the integrity of an event, unless disclosure is required by the board, any applicable law, or a lawful order of a court of competent jurisdiction.

(11) A sports betting operator or internet sports betting platform provider must employ personnel responsible for ensuring the operation and integrity of internet sports betting and reviewing all reports of suspicious behavior. Unless otherwise directed by the board, a sports betting operator or internet sports betting platform provider must immediately notify the board upon detecting or becoming aware of any of the following:
   (a) Any person participating in internet sports betting who is engaging in or attempting to engage in, or who is reasonably suspected of, cheating, theft, embezzlement, collusion, use of funds

derived from illegal activity, money laundering, or any other illegal activities, including those activities prohibited in section 13 of the act, MCL 432.413.

(b) Any person who is reasonably suspected of misrepresenting their identity or using false identification to establish or attempt to establish an internet sports betting account.

(c) Suspected criminal activity related to any aspect of internet sports betting.

(d) Any criminal or disciplinary proceedings commenced against the sports betting operator or internet sports betting platform provider in connection with its internet sports betting operations.

(e) Any internet sports betting wagers that violate any applicable state or federal law.

(12) An internet sports betting platform provider must promptly notify any affected sports betting operators on behalf of which it accepts internet sports betting wagers of any issues impacting the integrity of internet sports betting.

R 432.744 Reserve requirement.

Rule 744. (1) A sports betting operator or internet sports betting platform provider must maintain a reserve in the amount necessary to ensure the security of funds held in internet sports betting accounts and the ability to cover the outstanding internet sports betting liability. The reserve must be in the form of:

(a) Cash or cash equivalents maintained in a U.S. bank account segregated from the sports betting operator's or internet sports betting platform provider's operational funds.

(b) An irrevocable letter of credit.

(c) A bond.

(d) Any other form acceptable to the board.

(e) Any combination of the allowable forms described in subdivisions (a) to (d) of this subrule.

(2) The reserve must be not less than the sum of the following:

(a) The daily ending cashable balance of all authorized participants' internet sports betting accounts.

(b) Pending withdrawals.

(c) Amounts accepted by the sports betting operator or internet sports betting platform provider on internet sports betting wagers whose outcomes have not been determined.

(d) Amounts owed but unpaid on winning internet sports betting wagers through the period established by the sports betting operator or internet sports betting platform provider for honoring winning internet sports betting wagers.

(3) Funds held in internet sports betting accounts must not be automatically transferred by a sports betting operator or internet sports betting platform provider. A sports betting operator or internet sports betting platform provider must not require an authorized participant to transfer funds from his or her internet sports betting account, in order to circumvent this rule.

(4) Amounts available to authorized participants for play that are not redeemable for cash may be excluded from the reserve computation.

(5) On request, the board may allow a sports betting operator or internet sports betting platform provider to combine the reserve for all of its Michigan internet sports betting or all of its Michigan internet gaming conducted under the lawful internet gaming act, 2019 PA 152, MCL 432.301 to MCL 432.322, or both.

(6) A sports betting operator or internet sports betting platform provider must have access to all internet sports betting account and transaction data to ensure the amount of its reserve is sufficient. Unless otherwise directed by the board, a sports betting operator or internet sports betting platform provider must file a monthly attestation with the board, in the form and manner prescribed by the board, that funds have been safeguarded under this rule.

(7) The board may audit a sports betting operator's or internet sports betting platform provider's reserve at any time and may direct a sports betting operator or internet sports betting platform provider to take any action necessary to ensure the purposes of this rule are achieved, including but not limited to requiring the sports betting operator or internet sports betting platform provider to modify the form of its reserve or increase the amount of its reserve.

R 432.745 Authorized and prohibited events and wager types.

Rule 745. (1) Before any sports betting operator or internet sports betting platform provider may accept internet sports betting wagers on an event category or internet sports betting wagers of a particular wager type, the event category or wager type must be approved by the board. Unless already approved by the board, a request for approval must be submitted by a sports betting operator or internet sports betting platform provider in the form and manner prescribed by the board, subject to the following:

(a) A request for approval of an event category involving athletic events must include, at a minimum, the name of the sports governing body and, to the extent known by the sports betting operator or internet sports betting platform provider, a description of its policies and procedures regarding event integrity.

(b) A request for approval of an event category involving events other than athletic events must include:

(i) A full description of the event category and the manner in which internet sports betting wagers would be placed and winning internet sports betting wagers would be determined.

(ii) A full description of any technology that would be utilized to offer the event category.

(iii) Assurance that the event category meets the requirements of subrule (8) of this rule.

(iv) Any rules or voting procedures related to the event category.

(v) Any other information the board considers necessary.

(2) The board may require an appropriate test or experimental period, under such terms and conditions the board considers appropriate, before granting final approval to an event category or wager type. The board may subject any technology that would be used to offer an event category or wager type to such testing, investigation, and approval as it considers appropriate.

(3) A sports governing body or other oversight body may notify the board that it desires to restrict, limit, or exclude wagering on any event category it governs by providing notice in the form and manner prescribed by the board.

(4) The board may grant, deny, limit, restrict, or condition a request made pursuant to this rule for any cause the board considers reasonable. The board may issue an order revoking, suspending, or modifying any approval of an event category or wager type granted under this rule for any cause the board considers reasonable.

(5) The board shall notify all sports betting operators and internet sports betting platform providers of any additions, deletions, or changes regarding authorized event categories and authorized wager types, which may include publication of a list of authorized event categories and wager types on the board's website.

(6) A sports betting operator or internet sports betting platform provider must submit to the board a catalogue of the authorized event categories and authorized wager types it intends to offer authorized participants. The catalogue and any subsequent changes must be submitted prior to implementation as directed by the board. The board reserves the right to prohibit the acceptance of any internet sports betting wagers and may order the cancellation of internet sports betting wagers and require refunds on any event category, event, or wager type for which wagering would be contrary to the public policies of the state.

(7) A sports betting operator or internet sports betting platform provider may not accept internet sports betting wagers on any of the following:

(a) Horse races if the internet sports betting on those races is pari-mutuel.
(b) Any event played by individuals that are at the high school level or below unless the majority of participants in the event are 18 years of age or older.
(c) Roulette, poker, blackjack, a card game, a dice game, or any other game or contest typically offered in a casino other than sports betting.
(d) A fantasy contest.
(e) The injury of a participant in an event.
(f) Any event category, event, or wager type prohibited by the board or by state or federal law.
(g) Any event category or wager type not approved by the board.

(8) A sports betting operator or internet sports betting platform provider must only accept internet sports betting wagers on events and wager types for which:
(a) The event can be effectively supervised by a sports governing body or other oversight body.
(b) There are integrity safeguards in place.
(c) The outcome can be documented and verified.
(d) The outcome can be generated by a reliable and independent process.
(e) The outcome is not affected by any wager placed.
(f) The event and acceptance of the wager type are conducted in conformity with all applicable laws.
(g) Wagering on the event and acceptance of the wager type are consistent with the public policy of this state.

(9) If it is determined that a sports betting operator or internet sports betting platform provider has offered an unauthorized or prohibited event category, event, or wager type, the sports betting operator or internet sports betting platform provider must immediately cancel and refund all internet sports betting wagers associated with the unauthorized or prohibited event category, event, or wager type. The sports betting operator or internet sports betting platform provider must notify the board promptly after cancelling and refunding the internet sports betting wagers.

(10) A sports betting operator or internet sports betting platform provider must not knowingly accept an internet sports betting wager on an event or wager type whose outcome has already been determined and is publicly known.

(11) The board may use any information it considers appropriate, including, but not limited to, information received from a sports governing body, to determine whether to authorize or prohibit wagering on a particular event or a particular wager type.

(12) A sports governing body may request internet sports betting wagering information or may request the board to prohibit internet sports betting wagering on a particular event or a particular wager type. The request must be submitted in the form and manner prescribed by the board and must include all of the following:
(a) The identity of the sports governing body and contact information for at least one specific individual who will be the primary point of contact for questions related to the request.
(b) A description of the internet sports betting wagering information, event, or wager type that is the subject of the request.
(c) Information explaining why granting the request is necessary to protect the integrity of the event, or public confidence in the integrity of the event, that is the subject of the request. This may include information regarding any credible threat to the integrity of the event that is beyond the control of the sports governing body to preemptively remedy or mitigate.
(d) Any other information required by the board.

(13) To ensure proper consideration, the request should be sent to the board at least 10 days before the particular event. At any time, however, a sports governing body should report information to the board if it involves allegations of match-fixing, the manipulation of an event, misuse of inside information, or other prohibited activity.

(14) On receipt of a complete request from a sports governing body under subrule (12) of this rule, the board shall notify all sports betting operators in writing. All sports betting operators must be given an opportunity to respond to the request. The notification must include the date by which written responses must be submitted to the board.

(15) The board shall promptly review the request, any responses, and any other available information and shall decide on the request before the start of the event, if feasible, or as expeditiously as possible. In making its determination, the board may consult with independent integrity monitoring providers and any other jurisdictions it considers appropriate. The board may grant the request, in its sole discretion, if it determines that granting the request is necessary to protect the integrity of the event, or public confidence in the integrity of the event, that is the subject of the request. The board shall notify, in writing, the sports governing body and all sports betting operators of its decision.

(16) On request of a sports governing body or sports betting operator, the board may reconsider its decision if there is a material change in the circumstances related to the original request.

(17) A sports betting operator or internet sports betting platform provider may not place or accept a layoff wager unless the board determines that layoff wagers may be placed and accepted under the act. If layoff wagers are permitted, the sports betting operator or internet sports betting platform provider placing a layoff wager must disclose its identity to the sports betting operator or internet sports betting platform provider accepting the layoff wager. A sports betting operator or internet sports betting platform provider may decline to accept a layoff wager in its sole discretion. Layoff wagers must be placed and accepted in accordance with any other procedures or conditions prescribed by the board.

R 432.746 Data Source and Official League Data.

Rule 746. (1) All of the following conditions apply to a data source used to offer or settle an internet sports betting wager:

(a) Except as otherwise provided in this part, a sports betting operator or internet sports betting platform provider may use any data source to determine the results of all tier 1 sports bets and tier 2 sports bets, subject to all of the following conditions:

(i) The data source and corresponding data must be complete, accurate, reliable, timely, and available.

(ii) The data source must be appropriate to settle the types of events and types of wagers for which it is used.

(iii) Any person that provides data directly to a sports betting operator or internet sports betting platform provider must be licensed by the board as a sports betting supplier.

(iv) The data source and corresponding data must meet any other conditions considered appropriate by the board.

(b) Except as otherwise provided in this part, the board reserves the right to disapprove any data source.

(c) A sports betting operator or internet sports betting platform provider must have internal controls in place to review the completeness, accuracy, reliability, timeliness, and availability of any data feeds used to offer or settle internet sports betting wagers. In the event an incident or error occurs that results in a loss of communication with data feeds used to offer or settle internet sports betting wagers, the incident or error must be recorded in a log capturing the date and time of the incident or error, the nature of the incident or error, and a description of its impact on the internet sports betting platform's performance. This information must be maintained for a minimum period of 5 years and must be made available to the board on request.

(2) All of the following conditions apply to a sports governing body notification regarding the use of official league data to settle tier 2 sports bets under section 10a of the act, MCL 432.410a:

(a) A sports governing body headquartered in the United States must notify the board in writing if it desires sports betting operators to use official league data to settle tier 2 sports bets under section 10a of the act, MCL 432.410a. The notification must be filed in the form and manner prescribed by the board and must include all of the following:

(i) Identification information for the sports governing body.

(ii) Identification and contact information for at least one specific individual who will be the primary point of contact for issues related to the provision of official league data and compliance with the act and these rules.

(iii) Identification of any designees that are or will be expressly authorized by the sports governing body to provide official league data in Michigan.

(iv) Copies of any contracts relevant to the provision of official league data in Michigan, including all of the following:

(A) Copies of any contracts between the sports governing body and any designees that are or will be expressly authorized by the sports governing body to provide official league data in Michigan.

(B) Copies of any contracts between the sports governing body or its designees and sports betting operators or internet sports betting platform providers in Michigan.

(v) A description of the official league data the sports governing body desires to provide.

(vi) Any other information required by the board.

(b) A sports governing body may not submit a notification under subdivision (a) of this subrule unless the board has authorized sports betting operators to accept tier 2 wagers on athletic events of the sports governing body.

(c) On receipt of a complete notification from a sports governing body under subdivision (a) of this subrule, the board shall notify each sports betting operator within 5 days. The notification must include the date on which the sports betting operator, and any internet sports betting platform provider accepting internet sports betting wagers on behalf of the sports betting operator, is required to use official league data to determine the results of tier 2 sports bets on athletic events of the relevant sports governing body unless one of the exceptions set forth in this part applies. The date must be 60 days after the date of the board's notification. Each sports betting operator is responsible for informing its internet sports betting platform provider of the board's notification and its effective date.

(d) Except as otherwise provided in this part, after the date identified in the board's notification under subdivision (c) of this subrule, sports betting operators and internet sports betting platform providers must use only official league data to determine the results of tier 2 sports bets on athletic events sanctioned by the sports governing body that is the subject of the notification.

(e) The board shall maintain and may publish a list of all sports governing bodies that provide official league data under this rule.

(f) A sports governing body may rescind its notice at any time. Such rescission must be made in writing to the board and all sports betting operators and internet sports betting platform providers to which the sports governing body or its designee provides official league data. On receipt of the rescission, a sports betting operator or internet sports betting platform provider may use any data source that meets the requirements of subrule (1) of this rule to determine the results of tier 2 sports bets on athletic events of the sports governing body.

(g) If a sports governing body does not notify the board that it desires sports betting operators to use official league data under this rule, sports betting operators and internet sports betting platform

providers may use any data source that meets the requirements of subrule (1) of this rule to determine the results of all tier 2 sports bets on athletic events of the sports governing body.

(3) If a sports governing body notifies the board of its desire to supply official league data for tier 2 sports bets under subrule (2) of this rule, both of the following apply:

(a) Official league data must be obtained by a sports betting operator or internet sports betting platform provider pursuant to a written contract with a sports governing body or one or more of its designees, or both. The contract must be filed with the board.

(b) A sports governing body or its designee may not unilaterally cancel or modify any material provisions of a contract entered into under this subrule or directly or indirectly cease its provision of official league data to a sports betting operator or internet sports betting platform provider without prior written approval of the board unless the cancellation, modification, or cessation is provided for in and executed in accordance with the terms of the contact or is due to a material breach.

(4) If a sports governing body notifies the board of its desire to supply official league data for tier 2 sports bets under subrule (2) of this rule, all of the following apply:

(a) A sports governing body or its designee must provide official league data on commercially reasonable terms.

(b) A sports betting operator may petition the board in writing for a determination that the terms under which official league data is or will be provided to the sports betting operator, or an internet sports betting platform provider accepting internet sports betting wagers on behalf of the sports betting operator, by a sports governing body or its designee are not commercially reasonable. The petition may be submitted at any time provided the parties have engaged in good-faith negotiations and the sports betting operator provides written notice to the sports governing body at least 5 business days before filing the petition. The petition must be filed in the form and manner prescribed by the board and must include all of the following:

(i) Identification of the sports betting operator and contact information for at least one specific individual who will be the primary point of contact for questions related to the petition.

(ii) Identification of the sports governing body.

(iii) Copies of any contracts, offer sheets, or other written documentation the sports betting operator alleges to include the commercially unreasonable terms.

(iv) Identification of the specific terms the sports betting operator alleges are commercially unreasonable.

(v) Detailed information explaining why the sports betting operator believes the terms are not commercially reasonable, including information pertaining to any relevant factors listed in subdivision (h) of this subrule.

(vi) Any evidence or other documentation supporting the sports betting operator’s argument that the terms are not commercially reasonable.

(vii) Information explaining how the sports betting operator, or an internet sports betting platform provider accepting internet sports betting wagers on behalf of the sports betting operator, does or will settle tier 2 sports bets on athletic events of the sports governing body in the absence of official league data.

(viii) Any other information the sports betting operator believes the board should consider.

(ix) Any other information required by the board.

(c) From the date a petition is filed until the date the board issues a determination, the sports betting operator, and an internet sports betting platform provider accepting internet sports betting wagers on behalf of the sports betting operator, may use any data source that meets the requirements of subrule (1) of this rule to determine the results of tier 2 sports bets on athletic events of the sports governing body.

(d) The board may, in its discretion, jointly consider multiple petitions if they involve the same sports governing body and substantially similar allegations.

(e) Except as otherwise provided in subdivision (m) of this subrule, on receipt of a complete petition, the board shall immediately forward the petition to the relevant sports governing body. The sports governing body must be given an opportunity to respond to the petition in writing. The response must be submitted to the board within 30 days after the board forwards the petition to the sports governing body or as otherwise directed by the board. The response must be filed in the form and manner prescribed by the board and must include all of the following:
   (i) Identification of the sports governing body and contact information for at least one specific individual who will be the primary point of contact for questions related to the response.
   (ii) Detailed responses to each of the sports betting operator's allegations.
   (iii) Detailed information explaining why the sports governing body believes the terms identified in the petition are commercially reasonable, including information pertaining to any relevant factors listed in subdivision (h) of this subrule.
   (iv) Any evidence or other documentation supporting the sports governing body's argument that the terms are commercially reasonable.
   (v) Any other information the sports governing body believes the board should consider.
   (vi) Any other information required by the board.

(f) If the sports governing body does not submit a response within 30 days or as otherwise directed by the board, or fails to submit a response that meets the requirements of subdivision (e) of this subrule, the board may decide the petition in favor of the sports betting operator.

(g) The board may request any additional information from a sports betting operator, an internet sports betting platform provider accepting internet sports betting wagers on behalf of a sports betting operator, or a sports governing body that the board considers necessary to evaluate a petition or response filed under this subrule. The board may, in its discretion, schedule a hearing before deciding a petition.

(h) The board may consider the following factors to determine whether official league data is or will be provided by a sports governing body on commercially reasonable terms:
   (i) Whether the sports governing body's official league data is available to the sports betting operator, or an internet sports betting platform provider accepting internet sports betting wagers on behalf of the sports betting operator, from more than one authorized source and whether it is offered under materially different terms.
   (ii) Market information regarding the purchase of data used to settle tier 2 sports bets by any licensed entities from any authorized data source, including sports governing bodies or their designees, in this state or any other jurisdiction.
   (iii) Any characteristics of the official league data and any alternate data sources, including but not limited to, both of the following:
      (A) The nature, quantity, quality, integrity, completeness, accuracy, reliability, availability, and timeliness of the data.
      (B) The quality, complexity, integrity, and reliability of the process used to collect the data.
   (iv) The extent to which sports governing bodies or their designees have made data used to settle tier 2 sports bets available to sports betting operators and internet sports betting platform providers accepting internet sports betting wagers on behalf of sports betting operators.
   (v) The availability and cost of comparable, lawfully derived data from other data sources.
   (vi) Whether any terms of the contract or offer sheet are uncompetitive in nature, are economically unfeasible, or place an undue burden on the sports betting operator or internet sports betting platform provider accepting internet sports betting wagers on behalf of the sports betting operator.

(vii) Any other factors the board considers appropriate.

(i) The board shall issue a determination within 120 days after the board receives a petition from a sports betting operator under this subrule. The determination must be sent in writing to the sports betting operator and the sports governing body. A sports betting operator is responsible for notifying its internet sports betting platform provider of the board's determination.

(j) If the board determines that the sports betting operator has successfully demonstrated that the sports governing body does not or will not provide official league data on commercially reasonable terms, the sports betting operator, and an internet sports betting platform provider accepting internet sports betting wagers on behalf of the sports betting operator, may use any data source that meets the requirements of subrule (1) of this rule to determine the results of tier 2 sports bets on athletic events of the sports governing body.

(k) If the board determines that the sports betting operator has not successfully demonstrated that the sports governing body does not or will not provide official league data on commercially reasonable terms, the sports betting operator, and an internet sports betting platform provider accepting internet sports betting wagers on behalf of the sports betting operator, must use only official league data to determine the results of tier 2 sports bets on athletic events sanctioned by the sports governing body.

(l) On request of a sports betting operator or sports governing body, the board may reconsider a determination reached under this subrule if the sports betting operator or sports governing body can demonstrate that there has been a material change in terms or other circumstances related to the original petition.

The board may, in its discretion, apply a determination reached under this subrule to any subsequently filed petitions that involve the same sports governing body and contain substantially similar allegations.

(5) If a sports governing body and its designees cannot provide a feed of official league data to determine the results of a particular type of tier 2 sports bet for which official league data would otherwise be required under subrule (2) of this rule, sports betting operators and internet sports betting platform providers may use any data source that meets the requirements of subrule (1) of this rule to determine the results of the particular type of tier 2 sports bet. This subrule applies until the official league data necessary to determine the results of the particular type of tier 2 sports bet becomes available on commercially reasonable terms.

(6) Before a sports governing body and its designees may provide or be involved in the provision of official league data under subrule (2) of this rule, all of the following conditions apply:

(a) A sports governing body or designee that provides official league data directly to a sports betting operator or internet sports betting platform provider must be licensed by the board as a sports betting supplier.

(b) A sports governing body or designee that is not licensed as a sports betting supplier must not provide official league data directly to a sports betting operator or internet sports betting platform provider.

(c) A sports governing body or designee that does not provide official league data directly to a sports betting operator or internet sports betting platform provider but is otherwise involved in the provision of official league data, as determined by the board, must be approved in writing by the board.

(d) A sports governing body or designee that is not approved by the board must not be involved in the provision of official league data to a sports betting operator or internet sports betting platform provider.

(e) Involvement in the provision of official league data includes, but is not limited to, all of the following:

(i) Supplying, packaging, or providing official league data to a sports betting supplier who provides the data directly to a sports betting operator or internet sports betting platform provider.

(ii) Creating, generating, producing, augmenting, or modifying official league data that is intended for or known to be used for packaging, supply, or use by a sports betting supplier or vendor under these rules.

(iii) Any method involving or resulting in the use of official league data by a sports betting operator, internet sports betting platform provider, or a sports betting supplier.

(f) A request for approval under this subrule must consist of the following:

(i) A completed registration form providing the sports governing body's or designee's office address and contact information of each primary employee involved in the provision of official league data.

(ii) A list of all designees authorized by the sports governing body to supply official league data in Michigan.

(iii) An acknowledgement that approval is conditioned upon the sports governing body's or designee's compliance with all applicable provisions of the act and these rules.

(iv) Any other information related to the provision of official league data required by the board, subject to the following:

(A) The board may, in its discretion, request information from the sports governing body or designee if the information is directly related to its process for creating, generating, producing, augmenting, modifying, supplying, packaging, or providing official league data, including procedures designed to ensure the completeness, accuracy, reliability, timeliness, availability, and integrity of the official league data.

(B) Information requested by the board must be limited to the organizational units and processes involved in the provision of official league data.

(C) The board shall not investigate or request information regarding employees of a sports governing body not involved in the provision of official league data or the owners of a sports governing body's member teams.

(g) The board shall grant a request for approval under this subrule if the sports governing body or designee provides the information set forth in subdivision (f) of this subrule and the sports governing body or designee complies with all of the following:

(i) The sports governing body or designee complies with all applicable provisions of the act and these rules.

(ii) The sports governing body or designee agrees to and timely provides, on written request of the board, information and records related to its provision of official league data.

(iii) The sports governing body or designee cooperates with investigations conducted by the board regarding the provision of official league data.

(iv) The sports governing body or designee creates, generates, produces, augments, modifies, supplies, packages, or provides official league data that is generally complete, accurate, reliable, timely, and available based on relevant and applicable standards.

(h) None of these rules may be interpreted to include official league data that is used, packaged, sold, produced, or provided in ways separate from sports betting under the act.

(i) If a sports governing body and its designees have not obtained all sports betting supplier licenses and approvals required by this subrule, sports betting operators and internet sports betting platform providers may use any data source that meets the requirements of subrule (1) of this rule to determine the results of tier 2 sports bets on athletic events of the sports governing body. This applies until the sports governing body and its designees have obtained all sports betting supplier licenses and approvals required by this subrule.

(j) A sports governing body and its designees are not required to obtain approval under this subrule if sports betting operators and internet sports betting platform providers are not required to use official league data to determine the results of tier 2 sports bet on athletic events of the sports governing body under subrule (2) of this rule.

R 432.746a Acceptance of wagers.

Rule 746a. (1) Available wagers must be displayed to authorized participants on the sports betting operator's or internet sports betting platform provider's internet sports betting platform. The display must include the odds and a brief description of the event and wagering proposition.

(2) A sports betting operator or internet sports betting platform provider may not accept an internet sports betting wager on an event unless a wagering proposition is posted on the sports betting operator's or internet sports betting platform provider's internet sports betting platform.

(3) A sports betting operator or internet sports betting platform provider may not set lines or odds or offer wagering propositions designed for the purposes of ensuring that an authorized participant will win an internet sports betting wager or a series of internet sports betting wagers, unless the lines, odds, or wagering propositions are offered in connection with a promotion conducted in accordance with these rules.

(4) Unless otherwise directed by the board, there is no limitation as to the minimum or maximum internet sports betting wager a sports betting operator or internet sports betting platform provider may accept. This rule does not preclude a sports betting operator or internet sports betting platform provider from establishing its own minimum or maximum internet sports betting wagers or limiting an authorized participant's internet sports betting wager for reasons considered necessary or appropriate by the sports betting operator or internet sports betting platform provider.

(5) Unless otherwise approved by the board, an internet sports betting platform shall provide for an authorized participant to review and confirm all wagering information before an internet sports betting wager is accepted.

(6) On completion of an internet sports betting wager, a virtual internet sports betting wager record must be provided to or made available to the authorized participant. The record must contain at a minimum the following information:

(a) The date and time the internet sports betting wager was placed.

(b) The date and time the event is expected to occur.

(c) Any authorized participant choices involved in the internet sports betting wager as follows:

(i) Internet sports betting wager selection.

(ii) Type of internet sports betting wager and line postings.

(iii) Any special condition or conditions applying to the internet sports betting wager.

(iv) Payout.

(d) Total amount wagered, including any promotional or bonus credits, if applicable.

(e) Identification of the event and wagering proposition.

(f) Unique identification number of the internet sports betting wager record.

(7) Except as otherwise provided in these rules or applicable state or federal law, a sports betting operator or internet sports betting platform provider must pay winning authorized participants following the completion of the event or portion of the event on which the wagering proposition was contingent.

(8) A sports betting operator or internet sports betting platform provider may, in its discretion, cancel an accepted internet sports betting wager for obvious error. Obvious error must be defined in the sports betting operator's or internet sports betting platform provider's internal controls.

(9) A sports betting operator or internet sports betting platform provider must cancel an internet sports betting wager made by a prohibited person and confiscate the funds pursuant to part 7 of these rules.

A sports betting operator or internet sports betting platform provider must cancel a wager under this subrule when the sports betting operator or internet sports betting platform provider becomes aware or should have been aware that the individual who made the internet sports betting wager is a prohibited person.

(10) Except as otherwise provided in this part, a sports betting operator or internet sports betting platform provider may not unilaterally cancel an accepted internet sports betting wager without prior written approval of the board.

R 432.747 Negative Internet Sports Betting Account Balance Prohibited.

Rule 747. An internet sports betting platform must employ a mechanism that can detect and prevent any internet sports betting wagering or withdrawal activity initiated by an authorized participant that would result in a negative balance of the internet sports betting account.

R 432.748 House rules.

Rule 748. (1) A sports betting operator or internet sports betting platform provider must adopt comprehensive house rules, which must be approved by the board. The house rules must address the following items regarding internet sports betting wagers, at a minimum:

(a) Types of internet sports betting wagers accepted.
(b) Minimum and maximum internet sports betting wagers.
(c) Description of the process for handling incorrectly posted events, odds, internet sports betting wagers, or results.
(d) Method for calculation and payment of winning internet sports betting wagers.
(e) Effect of schedule changes.
(f) Method of notifying authorized participants of odds or proposition changes.
(g) Acceptance of internet sports betting wagers at other than posted terms.
(h) Procedures related to pending winning internet sports betting wagers.
(i) Method of contacting the sports betting operator or internet sports betting platform provider for questions and complaints.
(j) Description of prohibited persons and events and wager types on which internet sports betting wagers may not be accepted under the act and these rules.
(k) Methods of funding a wager.
(l) Maximum payouts; however, such limits must only be established through limiting the amount of an internet sports betting wager and cannot be applied to reduce the amount paid to an authorized participant as a result of a winning internet sports betting wager.
(m) A policy by which the sports betting operator or internet sports betting platform provider can cancel internet sports betting wagers for obvious errors pursuant to the sports betting operator's or internet sports betting platform provider's internal controls, which must include a definition and procedures for obvious errors.
(n) Parlay wager related rules.
(o) Rules and procedures for wagering communications.
(p) Any other house rule related information the board determines necessary.

(2) The house rules must clearly state what is to occur when an event or any component of an event on which internet sports betting wagers are accepted is canceled, including the handling of internet sports betting wagers with multiple selections, such as parlays, where one or more of these selections is canceled.

(3) The house rules, together with any other information the board considers appropriate, must be conspicuously displayed on the sports betting operator's and its internet sports betting platform provider's internet sports betting website or internet sports betting platform, included in the terms and

conditions of internet sports betting accounts, and copies must be made readily available to individuals and authorized participants.
(4) Amendments to the house rules must be approved by the board. Failure by a licensee to act in accordance with the house rules may result in disciplinary action.

R 432.749 Tournaments/contests, bonus and promotional wagering, advertising, and player loyalty programs.
Rule 749. (1) A sports betting operator or internet sports betting platform provider may conduct an internet sports betting tournament or contest subject to all of the following:
(a) No internet sports betting tournament or contest shall be conducted unless the sports betting operator or internet sports betting platform provider, before the first time a tournament or contest type is offered, files written notice with the board of its intent to offer that tournament or contest type. The sports betting operator or internet sports betting platform provider may file a master tournament list with the board to satisfy this requirement.
(b) Each sports betting operator or internet sports betting platform provider must maintain a record of each tournament or contest type it offers, which must address, at a minimum, all of the following:
(i) Events and wager types.
(ii) Rules concerning tournament or contest play and participation.
(iii) Entry fee amount or amounts per participant.
(iv) Funding source amount or amounts comprising the prize pool (for example, buy-ins, re-buys, or add-ons).
(v) Prize structure on payout.
(vi) Methodology for determining winner or winners.
(2) A sports betting operator or internet sports betting platform provider may conduct internet sports betting bonus and promotional wagering offers subject to all of the following:
(a) A sports betting operator or internet sports betting platform provider must maintain a record of all bonus and promotional wagering offers related to internet sports betting in an electronic file that is readily available to the board.
(b) All bonus and promotional wagering offers must be stated in clear and unambiguous terms and must be accessible by the authorized participant after the offer is accepted and before completion.
(c) Offer terms and the record of all offers must include all of the following at a minimum:
(i) The date and time the offer is active and expires.
(ii) Authorized participant eligibility, including any limitations on participation.
(iii) Any restriction on withdrawals of funds.
(iv) Wagering requirements and limitations on events or wager types.
(v) The order in which funds are used for wagers.
(vi) Eligible events or wager types.
(vii) Rules regarding cancellation.
(3) A sports betting operator or internet sports betting platform provider must provide a clear and conspicuous method for an authorized participant to cancel his or her participation in a bonus or promotional wagering offer that utilizes restricted gaming credits that cannot be cashed out until a wagering requirement or other restrictions associated with the credits is met. If an authorized participant elects to proceed with cancellation, unrestricted funds remaining in an authorized participant's internet sports betting account must be returned according to the terms and conditions.
(4) Once an authorized participant has met the terms of a bonus or promotional wagering offer, a sports betting operator or internet sports betting platform provider must not limit winnings earned while participating in the offer.

(5) All tournaments or contests, bonus and promotional wagering, advertising, and player loyalty programs offered or conducted by a sports betting operator or internet sports betting platform provider on the internet sports betting platform must comply with the technical standards adopted in R 432.733(2), as applicable.

PART 5. INTERNET SPORTS BETTING ACCOUNTS

R 432.751 Single wagering account in use for internet sports betting.

Rule 751. (1) A sports betting operator or internet sports betting platform provider shall limit each authorized participant to one internet sports betting account and username. Each internet sports betting account must be all of the following:

(a) Non-transferable.

(b) Unique to the authorized participant who establishes the internet sports betting account.

(c) Distinct from any other account number that the authorized participant may have established with the sports betting operator or internet sports betting platform provider except as provided for in subrule (2).

(2) An internet sports betting account must be separate and distinct from an internet wagering account established under the lawful internet gaming act, 2019 PA 152, MCL 432.301 to MCL 432.322. Notwithstanding the foregoing, an internet sports betting account may be integrated with an internet wagering account, subject to all of the following conditions:

(a) Internet sports betting transactions must be identified, recorded, accounted for, and reported separately and distinctly from internet gaming transactions conducted under the lawful internet gaming act, 2019 PA 152, MCL 432.301 to MCL 432.322.

(b) A sports betting operator or internet sports betting platform provider must comply with all applicable provisions of the act and these rules and any other conditions considered appropriate by the board.

(3) A sports betting operator or internet sports betting platform provider must implement internal controls and publish procedures to terminate all accounts of any individual who establishes or seeks to establish multiple active internet sports betting accounts, whether directly or by use of another individual as a proxy.

R 432.751a Age and identity verification.

Rule 751a. (1) A sports betting operator or internet sports betting platform provider must verify an individual's identity before allowing that individual to create an internet sports betting account and place an internet sports betting wager.

(2) Only an individual who is 21 years of age or older and not a prohibited person may create an internet sports betting account, deposit funds, or participate in internet sports betting wagering. The sports betting operator or internet sports betting platform provider must deny the ability to create an internet sports betting account, deposit funds, or participate in internet sports betting wagering to any individual who is under 21 years of age or is a prohibited person. This subrule shall not be construed to prevent an individual from creating an internet sports betting account and depositing funds to such an account even if they are prohibited from placing certain wagers.

(3) A sports betting operator or internet sports betting platform provider must use commercially available and demonstrable standards to confirm that an individual attempting to create an internet sports betting account is not a prohibited person.

(4) Third-party service providers may be used for age and identity verification of individuals attempting to create internet sports betting accounts.

R 432.751b Data security of age and identity verification information.
Rule 751b. Details of the age and identity verification process must be kept by the sports betting operator or internet sports betting platform provider in a secure manner approved by the board.

R 432.751c Handling of internet sports betting accounts found to be used in fraudulent manner.
Rule 751c. A sports betting operator or internet sports betting platform provider must have a documented system of internal controls for the handling of authorized participants or other individuals discovered to be using internet sports betting accounts in a fraudulent manner, including but not limited to the following:

(a) The maintenance of information about any authorized participant's activity or other individual's activity, such that if fraudulent activity is detected, the sports betting operator or internet sports betting platform provider and the board have all of the necessary information to take appropriate action.

(b) The suspension of any internet sports betting account discovered to be providing fraudulent access to prohibited persons.

(c) The treatment of deposits, internet sports betting wagers, and wins associated with a prohibited person's fraudulent use of an account and the confiscation of any winnings and things of value of a prohibited person in accordance with part 7 of these rules.

R 432.752 Terms and conditions for internet sports betting accounts.
Rule 752. (1) All terms and conditions for internet sports betting accounts must be included in the internal controls of the sports betting operator or internet sports betting platform provider and address all aspects of the internet sports betting operation, including, but not limited to all of the following:

(a) Name of the party or parties with whom the individual is entering into a contractual relationship, including any licensee.

(b) Individual's consent to have the sports betting operator or internet sports betting platform provider confirm the individual's age and identity.

(c) Rules and obligations applicable to the authorized participant including, but not limited to, all of the following:

(i) Prohibition from allowing any other individual to access or use his or her internet sports betting account.

(ii) Prohibition from engaging in internet sports betting activity unless physically present in Michigan or another jurisdiction authorized under a multijurisdictional sports betting agreement.

(iii) Consent to the monitoring and recording by the sports betting operator, internet sports betting platform provider, or the board, or all 3 of any internet sports betting communications and geographic location information.

(iv) Consent to the jurisdiction of this state to resolve any disputes arising out of internet sports betting.

(v) Prohibition against utilizing automated computerized software or other equivalent mechanism, such as a "bot," to engage in play.

(d) Full explanation of all fees and charges imposed upon an authorized participant related to internet sports betting transactions.

(e) Availability of internet sports betting account statements detailing the authorized participant's internet sports betting account activity.

(f) Privacy policies, including information access.
(g) Legal age policy, including a statement that it is a criminal offense to allow an individual who is under the age of 21 to participate in internet sports betting.
(h) Full explanation of all rules applicable to dormant internet sports betting accounts.
(i) Authorized participant's right to set responsible gaming limits and to self-exclude.
(j) Authorized participant's right to suspend his or her internet sports betting account for a period of no less than 72 hours.
(k) Actions that will be taken if an authorized participant becomes disconnected from the internet sports betting platform during game play.
(l) Notice that a malfunction voids all pays.
(m) Estimated time period for withdrawal of funds from internet sports betting account.

(2) If the internet sports betting terms and conditions are changed, the sports betting operator or internet sports betting platform provider shall require the authorized participant to acknowledge acceptance of the change. Unless otherwise authorized by the board, the authorized participant's acknowledgement must be date and time stamped by the internet sports betting platform.

R 432.753 Authorized participant protections.

Rule 753. (1) A sports betting operator or internet sports betting platform provider must provide an authorized participant protection information page that must be readily accessible to each authorized participant. The authorized participant protection page must be accessible to an authorized participant throughout an authorized participant session. The authorized participant protection page must contain, at a minimum, all of the following:

(a) Method for changing or retrieving a password or other approved access security feature and the ability to choose "strong authentication" login protection.
(b) Method for filing a complaint with the sports betting operator or internet sports betting platform provider.
(c) Method for filing with the board an unresolved complaint after all reasonable means to resolve the complaint with the sports betting operator or internet sports betting platform provider have been exhausted utilizing forms and in the manner prescribed by the board.
(d) Method for obtaining a copy of the internet sports betting terms and conditions agreed to when establishing an internet sports betting account
(e) Method for the authorized participant to obtain his or her internet sports betting account and game history from the sports betting operator or internet sports betting platform provider.
(f) Notification that underage gambling is a criminal offense and that anyone who facilitates an individual under the age of 21 to place an internet sports betting wager has committed a criminal offense and must be prohibited from internet sports betting.
(g) Notification that the authorized participant is responsible for configuring his or her terminal's auto-lock feature to protect the terminal from unauthorized use.
(h) Notification that an authorized participant is prohibited from allowing any other individual to access or use his or her internet sports betting account.
(i) Information about potential risks associated with excessive participation in internet sports betting, and where to get help related to betting responsibly.
(j) A list of the available authorized participant protection measures that can be invoked by the authorized participant, such as self-imposed limits, and information on how to invoke those measures.
(k) Mechanisms in place for authorized participants to detect unauthorized use of their internet sports betting account, such as the authorized participant reviewing credit card statements against known deposits.

(l) Other authorized participant protections authorized by the board.

(2) Authorized participants must be provided with an easy and obvious method to impose limitations for internet sports betting parameters including, but not limited to, deposits, wagers and time-based limitations. The self-imposed limitation method must provide the following functionality:

(a) Upon receiving any self-imposed limitation order, the sports betting operator or internet sports betting platform provider must ensure that all specified limits are correctly implemented immediately or at the time that was clearly indicated to the authorized participant.

(b) The self-imposed limitations set by an authorized participant must not override more restrictive sports betting operator or internet sports betting platform provider-imposed limitations. The more restrictive limitations must take priority.

(c) Once established by an authorized participant and implemented by the internet sports betting platform, it must only be possible to reduce the severity of self-imposed limitations upon 24 hours' notice, or as required by the board.

(d) Self-imposed limitations must not be compromised by internal status events, such as self-imposed exclusion.

(3) The self-imposed limitations must be available to the authorized participant immediately after the internet sports betting account is created, when placing a deposit into his or her internet sports betting account, and upon logging into his or her internet sports betting account.

R 432.754 Responsible gaming.

Rule 754. Each sports betting operator's website or internet sports betting platform must display a responsible gaming logo in a manner approved by the board to direct an authorized participant to the sports betting operator's website or internet sports betting platform responsible gaming page. The responsible gaming page must be accessible to an authorized participant during an authorized participant session and must contain, but is not limited to, the following:

(a) A prominent message that states "If you or someone you know has a gambling problem and wants help, call the Michigan Department of Health and Human Services Gambling Disorder Help-line at: 800-270-7117".

(b) A direct link to the Michigan Gaming Control Board Compulsive/Problem Gambling website (https://www.michigan.gov/mgcb/0,4620,7-351-79256-231582--,00.html) and other organizations based in the United States dedicated to helping people with potential gambling problems.

(c) A clear statement of the sports betting operator's or internet sports betting platform provider's policy and commitment to responsible gaming.

(d) Other responsible gaming measures required by the board.

R 432.755 Internet sports betting account requirements.

Rule 755. To establish an internet sports betting account, a sports betting operator or internet sports betting platform provider must do all of the following:

(a) Create an electronic authorized participant file, which must, at a minimum, include the following:

(i) The authorized participant's legal name.

(ii) The authorized participant's date of birth.

(iii) The authorized participant's Social Security number, or the last 4 digits of the Social Security number, or an equivalent identification number for a noncitizen authorized participant, such as a passport or taxpayer identification number.

(iv) The authorized participant's internet sports betting account number or username.

(v) The authorized participant's residential address. A post office box is not acceptable.

(vi) The authorized participant's electronic mail address.

(vii) The authorized participant's telephone number.

(viii) Any other information collected from the authorized participant used to verify his or her identity.
(ix) The method used to verify the authorized participant's identity.
(x) The date of verification.

(b) Encrypt all of the following information contained in an electronic authorized participant file:
(i) Any portion of the authorized participant's Social Security number or equivalent identification number for a noncitizen authorized participant, such as a passport or taxpayer identification number.
(ii) The authorized participant's passwords and PINs.
(iii) The authorized participant's personal financial information.

(c) Verify the authorized participant's age and identity and record the date of verification in accordance with any of the following:
(i) Reliable forms of personal identification specified in the sports betting operator's or internet sports betting platform provider's internal controls.
(ii) Other methodology for remote multi-source authentication, which may include third-party and governmental databases, as approved by the board.

(d) Record the document number of the government issued identification credential examined, if applicable. If a government issued identification credential is not required for registration, the electronic record that details the process used to confirm the authorized participant's identity must be recorded.

(e) Require the authorized participant to establish a password or other access security feature as approved by the board and advise the authorized participant to utilize strong authentication login protection.

(f) Record the authorized participant's acceptance of the sports betting operator's or internet sports betting platform provider's internet sports betting terms and conditions to participate in internet sports betting through the sports betting operator's or internet sports betting platform provider's website.

(g) Record the authorized participant's certification that the information provided to the sports betting operator or internet sports betting platform provider is accurate.

(h) Record the authorized participant's acknowledgment that the legal age for internet sports betting is 21, and that he or she is prohibited from allowing any other individual to access or use his or her internet sports betting account.

(i) Notify the authorized participant of the establishment of the account via electronic mail.

R 432.755a Internet sports betting account funding.

Rule 755a. An authorized participant's internet sports betting account may be funded through the use of any of the following:

(a) An authorized participant's credit or debit card.
(b) An authorized participant's deposit of cash or cash equivalent at a cashiering location approved by the board.
(c) An authorized participant's reloadable prepaid card, which has been verified as being issued to the authorized participant and is non-transferable.
(d) Promotional credit.
(e) Winnings.
(f) Adjustments made by the sports betting operator or internet sports betting platform provider with documented notification to the authorized participant.
(g) ACH transfer, provided that the sports betting operator or internet sports betting platform provider has security measures and controls to prevent ACH fraud regarding failed ACH deposits.

(h) Wire transfer.
(i) Any other means approved by the board.

R 432.755b Failed ACH deposits.
Rule 755b. A failed ACH deposit attempt is not considered fraudulent if the authorized participant has successfully deposited funds via an ACH transfer on a previous occasion with no outstanding chargebacks. Otherwise, the sports betting operator or internet sports betting platform provider shall do all of the following:
(a) Temporarily block the authorized participant's internet sports betting account for investigation of fraud after 5 consecutive failed ACH deposit attempts within a 10-minute period. If there is no evidence of fraud, the block may be vacated.
(b) Suspend the authorized participant's internet sports betting account after 5 additional consecutive failed ACH deposit attempts within a 10-minute period.

R 432.755c Transfer of funds prohibited.
Rule 755c. A sports betting operator or internet sports betting platform provider must not permit an authorized participant to transfer funds from one authorized participant's internet sports betting account to another authorized participant's internet sports betting account or any other wagering account belonging to another authorized participant.

R 432.755d Authorized participant account withdrawal.
Rule 755d. (1) An authorized participant must be allowed to withdraw the funds maintained in his or her internet sports betting account, whether the account is open or closed, except as otherwise provided in these rules, or any other applicable state or federal laws.
(2) A sports betting operator or internet sports betting platform provider must honor the authorized participant's request to withdraw funds within 10 business days after the request, unless the conditions set forth in subrule (3) of this rule are met.
(3) The sports betting operator or internet sports betting platform provider may decline to honor an authorized participant's request to withdraw funds only if the sports betting operator or internet sports betting platform provider believes in good faith that the authorized participant engaged in either fraudulent conduct or other conduct that would put the sports betting operator or internet sports betting platform provider in violation of the act and these rules. In such cases, the sports betting operator or internet sports betting platform provider must do all of the following:
(a) Provide notice to the authorized participant of the nature of the investigation of the internet sports betting account.
(b) Conduct its investigation in a reasonable and expedient fashion, providing the authorized participant additional written notice of the status of the investigation every tenth business day starting from the day the original notice was provided to the authorized participant.
(4) For purposes of this rule, a request for withdrawal is considered honored if it is processed by the sports betting operator or internet sports betting platform provider notwithstanding a delay by a payment processor, credit card issuer, or the custodian of a financial account.

R 432.755e Internet sports betting account review requirements.
Rule 755e. All adjustments to internet sports betting accounts for amounts of $500.00 or less must be periodically reviewed by supervisory personnel as set forth in the sports betting operator's or internet sports betting platform provider's internal controls. All other adjustments must be authorized by supervisory personnel before being entered.

R 432.756 Internet sports betting account information.

Rule 756. (1) An internet sports betting platform must provide an account statement with account details to an authorized participant on demand, which must include detailed account activity for at least 6 months. In addition, an internet sports betting platform must, upon request, be capable of providing a summary statement of all authorized participant activity during the past 2 years. Information provided on the summary statement must include but not be limited to the following:

(a) Deposits to the internet sports betting account.
(b) Withdrawals from the internet sports betting account.
(c) Win or loss statistics.
(d) Beginning and ending internet sports betting account balances.
(e) Self-imposed limit history, if applicable.

(2) A sports betting operator or internet sports betting platform provider must periodically re-verify an authorized participant's identification upon reasonable suspicion that the authorized participant's identification has been compromised.

R 432.757 Internet sports betting account closure.

Rule 757. An internet sports betting platform must provide a conspicuous and readily accessible method for an authorized participant to close his or her internet sports betting account through the account management or similar page or through the internet sports betting platform customer support team. Any balance remaining in an authorized participant's internet sports betting account closed by an authorized participant must be refunded pursuant to the sports betting operator's or internet sports betting platform provider's internal controls.

R 432.758 Internet sports betting dormant accounts.

Rule 758. A sports betting operator or internet sports betting platform provider shall consider an authorized participant internet sports betting account to be dormant if the authorized participant has not logged into the internet sports betting account for at least 3 years. A dormant internet sports betting account must be closed by the sports betting operator or internet sports betting platform provider. Any balance remaining in a dormant internet sports betting account must be refunded or escheated in accordance with the sports betting operator's or internet sports betting platform provider's internal controls.

R 432.759 Suspension and restoration of internet sports betting accounts.

Rule 759. (1) An internet sports betting platform must employ a mechanism that places an internet sports betting account in a suspended mode under the following conditions:

(a) When requested by the authorized participant for a specified period of time, which must not be less than 72 hours.
(b) When required by the board.
(c) Upon a determination that an authorized participant is a prohibited person.
(d) When initiated by a sports betting operator or internet sports betting platform provider that has evidence that indicates any of the following:
    (i) Illegal activity.
    (ii) A negative internet sports betting account balance.
    (iii) A violation of the internet sports betting account terms and conditions has taken place on an authorized participant's internet sports betting account.

(2) When an internet sports betting account is in a suspended mode, the internet sports betting platform must do all of the following:

(a) Prevent the authorized participant from internet sports betting.

(b) Prevent the authorized participant from depositing funds unless the account is suspended due to having a negative internet sports betting account balance but only to the extent the internet sports betting account balance is brought back to zero dollars.
(c) Prevent the authorized participant from withdrawing funds from his or her internet sports betting account, unless the suspended mode was initiated by the authorized participant.
(d) Prevent the authorized participant from making changes to his or her internet sports betting account.
(e) Prevent the removal of the internet sports betting account from the internet sports betting platform.
(f) Prominently display to the authorized participant that the internet sports betting account is in a suspended mode, the restrictions placed on the internet sports betting account, and any further course of action needed to remove the suspended mode.

(3) A suspended account may be restored for any of the following reasons:
(a) Upon expiration of the time period established by the authorized participant.
(b) If authorized by the board.
(c) When the authorized participant is no longer a prohibited person.
(d) When the sports betting operator or internet sports betting platform provider has lifted the suspended status.

PART 6. AUDIT AND INTERNAL CONTROLS

R 432.761 Internal control standards applicability of part.
Rule 761. This part applies to sports betting operators and internet sports betting platform providers.

R 432.762 Purpose.
Rule 762. The procedures of the internal control standards are designed to ensure all of the following:
(a) Assets are safeguarded.
(b) The financial records of the sports betting operator and internet sports betting platform provider are accurate and reliable.
(c) The transactions of the sports betting operator and internet sports betting platform provider are performed only in accordance with the act and these rules.
(d) The transactions are recorded adequately to permit the proper recording of the adjusted gross sports betting receipts, fees, and all applicable taxes and payments.
(e) Accountability of assets is maintained pursuant to generally accepted accounting principles.
(f) Only authorized personnel have access to assets.
(g) Internet sports betting account balances are complete and accurate, and appropriate action is taken with respect to discrepancies.
(h) Internet sports betting accounts and personal identifiable information are adequately protected.
(i) The functions, duties, and responsibilities are appropriately segregated and performed pursuant to sound practices by competent, qualified personnel and that no employee of the sports betting operator, the internet sports betting platform provider, a supplier, a registered vendor, or a third-party provider is in a position to perpetuate and conceal errors or irregularities in the normal course of the employee's duties.
(j) Internet sports betting is conducted with integrity and in accordance with the act and these rules.

R 432.763 Board approval of internal control standards and requirements.

Rule 763. (1) Unless otherwise provided for by the board, before beginning internet sports betting operations, a sports betting operator or internet sports betting platform provider, or both must submit its administrative and accounting procedures in detail in a written system of internal control for board review and written approval. A written system of internal controls must include a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of these rules.

(2) The written system of internal controls must address the following items, at a minimum:

(a) Procedures for responding to a failure of the sports betting platform (i.e., game, system, communications, or platform malfunction), including procedures for restoring internet sports betting operations. The sports betting operator or internet sports betting platform provider, or both, must also file with the board an incident report for each significant platform failure and document the date, time, and reason for the failure along with the date and time the system is restored.

(b) User access controls for all sports betting personnel.

(c) Segregation of duties.

(d) Automated and manual risk management procedures.

(e) Procedures for identifying and reporting fraud and suspicious conduct including identifying unusual wagering activity and reporting that activity to an independent integrity monitoring provider.

(f) Procedures to prevent wagering by prohibited persons.

(g) Procedures for sports betting operator-imposed or internet sports betting platform provider-imposed exclusion of authorized participants, including the following:

(i) Providing a notification containing operator-imposed or internet sports betting platform provider-imposed exclusion status and general instructions for resolution.

(ii) Ensuring that immediately upon executing the operator-imposed or internet sports betting platform provider-imposed exclusion order, no new wagers or deposits are accepted from the authorized participant, until such time as the operator-imposed or internet sports betting platform provider-imposed exclusion has been revoked.

(iii) Ensuring that the authorized participant is not prevented from withdrawing any or all of his or her account balance, if the sports betting operator or internet sports betting platform provider acknowledges that the funds have cleared, and that the reason or reasons for exclusion would not prohibit a withdrawal.

(h) Description of anti-money laundering compliance standards.

(i) Process for submitting or receiving approval of all event categories and wager types available.

(j) Description of process for accepting wagers and issuing payouts, plus any additional controls for accepting wagers and issuing payouts in excess of $10,000.00.

(k) Description of process for voiding or cancelling wagers and refunding the authorized participant in accordance with these rules.

(l) Description of process for accepting multiple wagers from one authorized participant in a 24-hour cycle, including process to identify authorized participant structuring of wagers to circumvent recording and reporting requirements.

(m) Procedure for the recording of and reconciliation of internet sports betting transactions.

(n) Procedures for issuance and acceptance of promotional funds for internet sports betting.

(o) Description of all integrated third-party platforms.

(p) Procedures for identifying and restricting prohibited persons.

(q) Description of process to close out dormant accounts.

(r) Procedures for making adjustments to an internet sports betting account, providing a method for an authorized participant to close out an account and how an authorized participant will be refunded after the closure of an account or how funds will be escheated.
(s) Procedures to verify each authorized participant's physical location pursuant to part 3 of these rules.
(t) Procedures for the security and sharing of personal identifiable information of an authorized participant, funds or financial information in an internet sports betting account, and other information as required by the board. The procedures must include the means by which a sports betting operator or internet sports betting platform provider, or both will provide notice to an authorized participant related to the sharing of personal identifiable information.
(u) Detailed responsible gaming measures.
(v) Method for securely implementing the responsible gaming database.
(w) Methods for securely issuing, modifying, and resetting an authorized participant's account password, personal identification number (PIN), or other approved security feature, if applicable. Any method must include notification to the authorized participant following any modification via electronic or regular mail, text message, or other manner approved by the board. Such methods must include, at a minimum, one of the following:
    (i) Proof of identity, if in person.
    (ii) The correct response to 2 or more challenge questions.
    (iii) Strong authentication.
(x) Procedures for receiving, investigating, and responding to all authorized participant complaints.
(y) In detail, the location of the sports betting servers, including any third-party remote location servers, and what controls will be in place to ensure security of the sports betting servers.
(z) Description of the process for line setting and line moving.
(aa) Technical security standards (controls) required by these rules.
(bb) Procedures for registration of authorized participants and establishing internet sports betting accounts, including a procedure for authenticating the age, identity and physical address of an applicant for an internet sports betting account, and whether the applicant is prohibited from establishing or maintaining an account under applicable laws or regulations.
(cc) Procedures for terminating an internet sports betting account and the return of any funds remaining in the internet sports betting account to the authorized participant or confiscation of funds in accordance with these rules.
(dd) Procedures for the logging in and authentication of an authorized participant to enable the authorized participant to commence sports betting and the logging off of the authorized participant when the authorized participant has completed play, including a procedure to automatically log an authorized participant out of the internet sports betting account after a specified period of inactivity.
(ee) Procedures for the crediting and debiting of an internet sports betting account.
(ff) Procedures for withdrawing funds from an internet sports betting account by the authorized participant.
(gg) Procedures for the protection of an authorized participant's funds, including the segregation of an authorized participant's funds from operating funds of the sports betting operator or internet sports betting platform provider, or both.
(hh) Procedures and security for the calculation and recording of gross sports betting receipts, adjusted gross sports betting receipts, and winnings.
(ii) Procedures and security standards as to receipt, handling, and storage of sports betting equipment.

(jj) Procedures and security standards to protect and respond to an individual's suspected or actual hacking of or tampering with the sports betting operator's or internet sports betting platform provider's internet sports betting website or sports betting devices and associated equipment.

(kk) Procedures and appropriate measures implemented to deter, detect, and, to the extent possible, prevent cheating, including collusion, and use of cheating devices, including the use of software programs that make bets according to algorithms.

(ll) Procedures to govern emergencies, including suspected or actual cyber-attacks on, hacking of, or tampering with the internet sports betting platform, internet sports betting website, or sports betting devices and associated equipment. The procedures must include the process for the reconciliation or repayment of an authorized participant's internet sports betting account.

(mm) Policies and procedures in connection with the internal audit function of its internet sports betting operations.

(nn) Establishing policies and procedures with respect to credit.

(oo) Any other items considered necessary by the board.

(3) To the extent a third-party is involved in or provides any of the internal controls required in these rules, the sports betting operator's or internet sports betting platform provider's controls, or the controls of both of them must document the roles and responsibilities of the third-party and must include procedures to evaluate the adequacy of and monitor compliance with the third-party's internal control procedures.

R 432.763a Amendments to internal controls.

Rule 763a. Unless otherwise provided by the board, all of the following provisions apply to amendments to the internal control procedures:

(a) Amendments to any portion of the internal control procedures must be submitted to the board for approval. If within 30 days the board has not approved, denied, or otherwise provided written notice, a sports betting operator or internet sports betting platform provider, or both, may implement the amended internal controls as submitted with the board retaining its authority to require further amendment, approval, or denial.

(b) The board may, in writing, approve, deny, or require a revision to the amendment to the internal control procedures. If the sports betting operator or sports betting platform provider is notified of a required revision, the sports betting operator or internet sports betting platform provider must work with the board to address the revision.

(c) If the board requests additional information, clarification, or revision of an amendment to an internal control and the sports betting operator or internet sports betting platform provider, or both, fail to satisfy the request within 30 days after the board request, the board shall consider the amendment denied and it cannot be implemented or, if previously implemented under subdivision (a) of this rule, the sports betting operator or internet sports betting platform provider has 15 days to cease implementation of that amendment. If the sports betting operator or internet sports betting platform provider subsequently wants to pursue the amendment, it must resubmit the request along with the additional information previously requested by the board.

R 432.763b Emergency procedures.

Rule 763b. (1) In the event of an emergency, the sports betting operator or internet sports betting platform provider, or both, may temporarily amend an internal control procedure. The executive director or his or her designee must be notified that an emergency exists before temporarily amending an internal control procedure.

(2) A sports betting operator or internet sports betting platform provider, or both, must submit the temporary emergency amendment of the internal control procedures to the executive director or his or

her designee within 3 days of the amendment. The submission must include the detailed emergency procedures that will be implemented and the time period the emergency procedures will be temporarily in place. Any concerns the board has with the submission must be addressed with the sports betting operator or internet sports betting platform provider, or both.

(3) As soon as the circumstances necessitating the emergency amendment to the internal control procedures abate, a sports betting operator or internet sports betting platform provider, or both, shall resume compliance with the approved internal control procedures.

R 432.763c Failure to comply with requirements.

Rule 763c. If the board determines that the administrative or accounting procedures or written internal control procedures of the sports betting operator or internet sports betting platform provider, or both do not comply with the requirements of these rules or requires improvement, the board shall notify the sports betting operator or internet sports betting platform provider, or both, in writing. Within 15 days after receiving the notification, the sports betting operator or internet sports betting platform provider must amend its procedures and written internal control procedures accordingly and must submit, for board approval, a copy of the written internal control procedures, as amended, and a description of any other remedial measure taken.

R 432.764 Compliance with internal controls.

Rule 764. (1) Sports betting operators and internet sports betting platform providers must comply with all internal controls.

(2) If a sports betting operator or internet sports betting platform provider fails to comply with any provision of its internal controls, the board may initiate a disciplinary action.

R 432.765 Accounting records.

Rule 765. (1) A sports betting operator and internet sports betting platform provider must maintain complete, accurate, and legible records of all transactions related to their internet sports betting operations, including transactions pertaining to revenues, expenses, assets, liabilities, and equity in conformance with generally accepted accounting principles.

(2) The board may direct a sports betting operator and internet sports betting platform provider to alter the manner in which the records are maintained if the sports betting operator's and internet sports betting platform provider's records are not in accordance with generally accepted accounting principles or if the records are not in sufficient detail.

(3) The accounting records must be maintained using a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed subsidiary records.

(4) The detailed subsidiary records must include, at a minimum, all of the following:

(a) Detailed general ledger accounts identifying all revenue, expenses, assets, liabilities, and equity.

(b) A record of all investments, advances, loans, and accounts receivable balances due the establishment.

(c) A record of all loans and other accounts payable.

(d) A record of all accounts receivable written off as uncollectible.

(e) Journal entries prepared.

(f) Tax work papers used in preparation of any state or federal tax return if applicable.

(g) Records supporting the accumulation of the costs for complimentary services and items. A complimentary service or item provided to individuals in the normal course of a sports betting business must be recorded in an amount based upon the full retail price normally charged for the service or item or as is otherwise consistent with generally accepted accounting principles.

(h) Records required by the internal control system.

(i) Other records that the board requires to be maintained.

(5) The sports betting operator and internet sports betting platform provider must maintain all records supporting the adjusted gross sports betting receipts.

(6) If a sports betting operator or internet sports betting platform provider, or both, fails to maintain the records used by it to calculate the adjusted gross sports betting receipts, the board may compute and determine the amount upon the basis of an audit conducted by the board using available information.

R 432.765a Annual audits and annual compliance reports.

Rule 765a. (1) All of the following provisions apply to annual and special audits and other reports:

(a) The board requires an annual audit of the financial condition of the sports betting operator's and internet sports betting platform provider's total internet sports betting operations. For a sports betting operator licensed as a casino under the Michigan Gaming Control and Revenue Act, the audit prepared pursuant to section 14 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.214, satisfies this requirement. An independent certified public accountant must perform the annual audit.

(b) The annual audit must be performed and presented in accordance with generally accepted accounting principles and contain the opinion of the independent certified public accountant as to its fair preparation and presentation in accordance with generally accepted accounting principles.

(c) To assure the integrity of internet sports betting and compliance with the act and these rules, the board may require a special audit of a sports betting operator or an internet sports betting platform provider, or both, to be conducted by board personnel or an independent certified public accountant. The board shall establish the scope, procedures, and reporting requirements of a special audit. For a sports betting operator who is an Indian tribe, the scope of the special audit must be limited to the sports betting operator's internet sports betting operations.

(2) The board shall require annual compliance reports to be prepared by the sports betting operator or the internet sports betting platform provider, or both, and submitted in a manner and form prescribed by the board. The annual compliance report must address all of the following areas:

(a) Compliance with procedures to ascertain that adjusted gross sports betting receipts are determined and state and local taxes or payments are paid, in conformity with the act and these rules.

(b) Compliance with applicable ordinances and agreements with other governmental authorities.

(c) Compliance with internal control procedures, accounting procedures, credit procedures, dispute procedures, and board-imposed security and safety requirements.

(d) A material deviation from the internal control procedures, accounting procedures, credit and dispute procedures, and board-imposed security and safety requirements.

(e) Corrective action taken to resolve deficiencies observed in subdivisions (a) to (d) of this subrule.

(f) Other matters required by the board to measure compliance with the act and these rules.

(3) The board shall determine the date of filing and the number of copies of audits or reports required under this rule. The audits or reports must be received by the board or postmarked no later than the required filing date.

(4) The reporting year-end of the sports betting operator and internet sports betting platform provider is December 31 unless otherwise approved by the board.

R 432.765b Board access to platform data.

Rule 765b. The sports betting operator or internet sports betting platform provider must provide access to internet sports betting platform related data as considered necessary by the board and in a manner approved by the board.

R 432.766 Records retention.

Rule 766. (1) Each sports betting operator or sports betting supplier must maintain, in a place secure from theft, loss, or destruction, adequate records of its business and accounting operations. A sports betting operator or sports betting supplier must make the records available to the board, upon request, within a time provided for by the board. A sports betting operator or sports betting supplier must hold the records for not less than 5 years. The records must include, but not be limited to, all of the following:

(a) All correspondence with, or reports to, the board or any local, state, tribal, or federal governmental agency.

(b) All correspondence concerning the business of a sports betting operator or sports betting supplier.

(2) A sports betting operator or sports betting supplier must keep and maintain, in a manner and form required by the board, accurate, complete, and legible records of any books, records, or documents pertaining to, prepared in, or generated by, the sports betting operator or sports betting supplier, including but not limited to, all of the following:

(a) Forms.

(b) Reports.

(c) Accounting records.

(d) Ledgers.

(e) Subsidiary records.

(f) Computer generated data.

(g) Internal audit records.

(h) Correspondence.

(i) Personnel records.

(3) A sports betting operator or sports betting supplier must organize and index all required records in a manner that enables the board to locate, inspect, review, and analyze the records with reasonable ease and efficiency.

(4) For a sports betting operator that is an Indian tribe, records required to be maintained under this rule are limited to those records related to the sports betting operator's internet sports betting operations.

R 432.767 Taxes and payments.

Rule 767. (1) The internet sports betting platform must be able to generate reports supporting adjusted gross sports betting receipts, wagering liability, winnings, and any other reports considered necessary by the board or as required by the internal controls. The reporting must be done on a form and in the manner prescribed by the board.

(2) If the amount of adjusted gross sports betting receipts for a month is a negative figure, the sports betting operator shall not remit a sports betting tax or payment for that month. Any negative adjusted gross sports betting receipts must be carried over and calculated as a deduction on the tax form or payment form on the subsequent months until the negative figure has been brought to a zero balance.

(3) A sports betting operator who fails to remit to the board the tax or payment imposed under the act is liable for payment of a fine, as determined by the board of up to 25% per month of the amounts ultimately found to be due, to be recovered by the board.

R 432.768 Write-offs/amounts returned/disputed credit or debit charges.

Rule 768. (1) A sports betting operator shall not receive a deduction from gross sports betting receipts unless written approval is granted by the board for the following:

(a) Amounts returned to an authorized participant because of a game, platform, or system malfunction or because the internet sports betting wager must be voided because of concerns

regarding integrity of the wager or game that were previously included in the computation of gross sports betting receipts.

(b) Uncollectible markers or successfully disputed credit or debit card charges that were previously included in the computation of gross sports betting receipts. Discretionary write-offs by the sports betting operator do not constitute an uncollectible marker.

(2) A sports betting operator must submit for board review and approval a written request, including all supporting documentation, of the deductions it would like to take against gross sports betting receipts.

PART 7. RESPONSIBLE GAMING; PROHBITED PERSON

R 432.771 Establishment and maintenance of the responsible gaming database.

Rule 771. (1) The board shall establish a responsible gaming database that contains a list of individuals who are prohibited from establishing an internet sports betting account or participating in internet sports betting offered by a sports betting operator.

(2) The executive director may place an individual's name in the responsible gaming database for any of the following reasons:

(a) The individual has been convicted in any jurisdiction of a felony, a crime of moral turpitude, or a crime involving gaming.

(b) The individual has violated the act or another gaming-related law.

(c) The individual has performed an act or has a notorious or unsavory reputation such that the individual's participation in sports betting under the act would adversely affect public confidence and trust in sports betting.

(d) The individual's name is on a valid and current exclusion list maintained by this state or another jurisdiction in the United States.

(e) A court has ordered the placement of an individual's name in the responsible gaming database.

(f) The sports betting operator or internet sports betting platform provider has requested an individual's name be included in the responsible gaming database.

(g) Any other reason the executive director considers appropriate to protect the integrity of internet sports betting under the act and these rules.

(3) A sports betting operator or internet sports betting platform provider may request an individual's name be included in the responsible gaming database. The request must be done in the manner and form prescribed by the executive director, but must at a minimum include all of the following:

(a) The individual's name and other identifying information.

(b) The reason why the sports betting operator or internet sports betting platform provider believes the individual should be included.

(c) Any evidence that supports the request.

(d) Any other information requested by the executive director.

(4) If the executive director places an individual in the responsible gaming database, it shall notify the individual. This notification must include the basis for the individual's placement in the responsible gaming database and explain that the individual is prohibited from establishing an internet sports betting account or participating in internet sports betting offered under the act and these rules.

(5) An excluded person may request a hearing under these rules to contest placement in the responsible gaming database. It is the excluded person's responsibility to prove by clear and convincing evidence why he or she should not be in the responsible gaming database.

(6) Involuntary placement in the responsible gaming database is permanent, unless removed by the executive director. The executive director shall only remove an excluded person from the responsible gaming database if the excluded person no longer satisfies the criteria for placement.

R 432.772 Voluntary placement in the responsible gaming database.

Rule 772. (1) An individual may have his or her name placed in the responsible gaming database for a period of 1 or 5 years by submitting a request in the manner and form prescribed by the executive director.

(2) An individual seeking voluntary placement in the responsible gaming database must agree to release the state, the board and its employees and agents, the sports betting operator, the internet sports betting platform provider, and each of their respective officers, directors, employees and agents from any harm, monetary or otherwise, that may arise as a consequence of placing his or her name in the responsible gaming database.

(3) The executive director shall not include an individual in the responsible gaming database until the individual has provided all necessary information.

(4) If a sports betting operator or internet sports betting platform provider prohibits a voluntarily-excluded person in the responsible gaming database from engaging in other forms of gaming authorized by law in this state or in another jurisdiction, that limitation shall only be for the 1 or 5 year placement chosen by the voluntarily-excluded person.

R 432.773 Distribution of the responsible gaming database.

Rule 773. (1) The executive director shall provide the sports betting operator and internet sports betting platform provider with information the executive director considers necessary to carry out the purposes of the act and these rules.

(2) Sports betting operators and internet sports betting platform providers may only use the information as provided for in the internal controls and as is consistent with the act and these rules.

(3) Use of information from the responsible gaming database for a purpose other than what is provided for in the act or these rules may result in disciplinary action by the board against the licensee or a civil fine. Nothing in this part is intended to preclude the disclosure of such information pursuant to subpoena or other legal process.

R 432.774 Self-exclusion list.

Rule 774. (1) Each sports betting operator and internet sports betting platform provider must establish and maintain a self-exclusion list as prescribed in the act, in these rules, by direction of the executive director, and in accordance with internal controls.

(2) The self-exclusion list must be designed to safeguard the confidentiality of the information.

(3) An individual may have his or her name added to the self-exclusion list maintained by the sports betting operator or internet sports betting platform provider if he or she agrees to release the state, the board and its employees and agents, the sports betting operator, the internet sports betting platform provider, and each of their respective officers, directors, employees and agents from any harm, monetary or otherwise, that may arise as a consequence of placing his or her name in the responsible gaming database or self-exclusion list.

(4) Any individual requesting placement in the self-exclusion list must submit through his or her internet sports betting account or by another means authorized by the board, a completed request for self-exclusion.

(5) A sports betting operator or internet sports betting platform provider may disclose the names of voluntarily-excluded persons on the self-exclusion list to a person licensed or registered by the board for the purpose of allowing the third-party to remove the names of such individuals from a targeted mailing

or other advertising or promotion to be made on behalf of a sports betting operator or internet sports betting platform provider.
(6) A licensed or registered third-party that obtains the self-exclusion list from a sports betting operator or internet sports betting platform provider is permitted to use the list solely to exclude names and other information from targeted mailings or other advertising or promotion made on behalf of the sports betting operator or internet sports betting platform provider. The third-party to whom the information is disclosed shall not distribute or disclose the information to the public or any other person. Disclosure may result in disciplinary action or civil fine.

R 432.775 Prohibited persons.
Rule 775. (1) A sports betting operator and an internet sports betting platform provider must make reasonable efforts to prevent a prohibited person from establishing an internet sports betting account and not permit the prohibited person to place an internet sports betting wager. This subrule shall not be construed to prevent an individual from creating an internet sports betting account and depositing funds to such an account even if they are prohibited from placing certain wagers.
(2) If a sports betting operator or internet sports betting platform provider detects, or is notified of, an individual suspected of being a prohibited person who had engaged or is engaging in prohibited internet sports betting, the sports betting operator or internet sports betting platform provider, or both, must use reasonable measures to verify whether the individual is prohibited or not. If the sports betting operator or internet sports betting platform provider cannot establish by reasonable measures that the individual is prohibited, the individual is presumed to not be a prohibited person for the purposes of this rule.
(3) Upon verification of a prohibited status, the sports betting operator or internet sports betting platform provider, or both, must do both of the following:
(a) Immediately prohibit access to the individual's internet sports betting account.
(b) Seize from the individual any winnings or things of value obtained from engaging in internet sports betting.
(4) The internal controls of a sports betting operator or internet sports betting platform provider must contain procedures for processing any winnings or things of value confiscated or withheld from a prohibited person.

R 432.776 Duty of sports betting operator and internet sports betting platform provider.
Rule 776. (1) A sports betting operator and internet sports betting platform provider must make reasonable efforts to prohibit a prohibited person from establishing an internet sports betting account and from participating in internet sports betting offered under the act and these rules. This subrule shall not be construed to prevent an individual from creating an internet sports betting account and depositing funds to such an account even if they are prohibited from placing certain wagers.
(2) If a sports betting operator or internet sports betting platform provider becomes aware that a prohibited person has established an internet sports betting account or has participated in internet sports betting, the sports betting operator or internet sports betting platform provider must provide written notice to the executive director. Any wager made by a prohibited person must be cancelled and the internet sports betting account used to place the wager must be suspended or closed.

ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY

MICHIGAN GAMING CONTROL BOARD

INTERNET GAMING RULES

Filed with the secretary of state on December 2, 2020

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 Michigan Gaming Control Board by section 10 of the lawful internet gaming act, 2019 PA 152, MCL 432.310)

R 432.611, R 432.612, R 432.613, R 432.613a, R 432.614, R 432.614a, R 432.614b, R 432.614c, R 432.614d, R 432.614e, R 432.615, R 432.615a, R 432.616, R 432.616a, R 432.616b, R 432.617, R 432.618, R 432.621, R 432.621a, R 432.621b, R 432.621c, R 432.621d, R 432.621e, R 432.621f, R 432.621g, R 432.621h, R 432.621i, R 432.621j, R 432.621k, R 432.622, R 432.623, R 432.624, R 432.624a, R 432.625, R 432.625a, R 432.625b, R 432.625c, R 432.626, R 432.627, R 432.628, R 432.628a, R 432.628b, R 432.628c, R 432.629, R 432.631, R 432.632, R 432.632a, R 432.632b, R 432.633, R 432.633a, R 432.633b, R 432.634, R 432.635, R 432.636, R 432.637, R 432.637a, R 432.638, R 432.639, R 432.639a, R 432.639b, R 432.639c, R 432.639d, R 432.641, R 432.642, R 432.643, R 432.644, R 432.645, R 432.647, R 432.648, R 432.649, R 432.651, R 432.651a, R 432.651b, R 432.651c, R 432.652, R 432.653, R 432.654, R 432.655, R 432.655a, R 432.655b, R 432.655c, R 432.655d, R 432.655e, R 432.656, R 432.657, R 432.658, R 432.659, R 432.661, R 432.662, R 432.663, R 432.663a, R 432.663b, R 432.663c, R 432.664, R 432.665, R 432.665a, R 432.665b, R 432.666, R 432.667, R 432.668, R 432.671, R 432.672, R 432.673, R 432.674, R 432.675, and R 432.676 are added to the Michigan Administrative Code, as follows:

PART 1. GENERAL PROVISIONS

R 432.611 Definitions.

Rule 611. As used in these rules:

(a) "Act" means the lawful internet gaming act, 2019 PA 152, MCL 432.301 to MCL 432.322.

(b) "Affiliate" means a person that, directly or indirectly, through 1 or more intermediaries, controls or is controlled by an internet gaming operator.

(c) "Affiliate marketer" means a person involved in promoting, marketing, and directing business to online gaming sites who is compensated based on the volume of customer referrals to an online gaming site or customer activity, including but not limited to, number of registrations, number of depositing registrations, or wagering activity, or both.

(d) "Agent" means any individual who is employed by any agency of this state, other than the board, the state police, or attorney general, and who is assigned to perform full-time services on behalf of or for the benefit of the board regardless of the title or position held by that individual.

(e) "Authorized game" means any internet game that the board determines to be suitable for use for wagering through the internet, which must include, but need not be limited to, poker, blackjack, cards, slots, games played with dice or tiles, or both, such as roulette, craps, pai gow, and other games typically offered at a casino. An authorized game does not include any of the following: pick numbers or other lottery games typically offered by the bureau of lottery under the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47; a lawful fantasy contest; or any lawful internet sports betting.

(f) "Authorized participant session" means the period of time that an authorized participant is logged on to an internet gaming platform.

(g) "Conflict of interest" means a situation, relationship, or association in which the private interest of employees, agents, and contractors of the board may influence the judgment of the employee, agent, or contractor in the performance of his or her public duty under the act.

(h) "Contractor" means any individual not employed by this state who performs services on behalf of or for the benefit of the board and requires unescorted access to board facilities.

(i) "Excluded person" means any individual who has been involuntarily placed in the responsible gaming database by the executive director and who is prohibited from establishing an internet wagering account or participating in internet wagering, or both, offered under the act or these rules.

(j) "Executive Director" means the executive director of the Michigan gaming control board, appointed under section 4 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.204.

(k) "Game server" means a server that contains game software and control programs.

(l) "Internet gaming network" means the linking of authorized participants of 1 or more Internet gaming operators to participate in peer-to-peer gaming in this state. An internet gaming network does not include linking of authorized participants pursuant to a multijurisdictional internet gaming agreement entered into in accordance with the act.

(m) "Interactive gaming system" means the hardware, software, firmware, communications technology and other equipment that allows an authorized participant to remotely bet or wager through the internet or a similarly distributed networking environment, and the corresponding equipment related to game outcome determination, the display of the game and game outcomes, and other similar information necessary to facilitate play of the game. The internet gaming platform provides the authorized participant with the means to play authorized games. The internet gaming platform provides the internet gaming operator with the means to review internet wagering accounts, disable games, generate various gaming/financial transaction and account reports, input outcomes for live internet games, and set any configurable parameters. The term does not include computer equipment or communications technology used by an authorized participant to access the interactive gaming system. Unless otherwise specified in these rules, the term internet gaming platform includes the entire interactive gaming system inclusive of remote gaming systems.

(n) "Key person" means any of the following except as otherwise provided in paragraph (vii):

(i) A director of the applicant.

(ii) A managerial employee of the applicant that performs the function of principal executive officer, principal operations officer, or principal accounting officer.

(iii) A person who holds more than 5% ownership interest in the applicant.

(iv) An affiliate of the applicant.

(v) A director of an affiliate of the applicant.

(vi) A managerial employee of an affiliate of an applicant that performs the function of principal executive officer, principal operations officer, or principal accounting officer.

(vii) "Key person" does not include an elected or appointed representative of any applicant or licensee that is a federally recognized Indian tribe located in this state unless the representative is also a full-time employee of the applicant's or licensee's internet gaming operations. A key person for an Indian tribe includes a primary management official of the applicant who has management responsibilities for the applicant's internet gaming operations.

(o) "Licensee" means a person who holds a license under the act.

(p) "Live game" means a game conducted by a gaming attendant (e.g., dealer, croupier, etc.) or other gaming equipment (e.g., an automated roulette wheel, ball blower, or gaming device), or both, in a live game environment in which authorized participants have the ability to review game play and communicate game decisions through the internet gaming platform. Live games include, but are not limited to, live card games, live table games, and live play of gaming devices, and other live authorized games.

(q) "Live game environment" means a physical location that utilizes live video streaming technology to provide live games to a remote player device that permits the authorized participant to participate in live streamed games, interact with game attendants, and interact with fellow authorized participants.

(r) "Peer-to-peer gaming" means all gaming activity, such as poker, where authorized participants are directly competing against each other but not the licensee.

(s) "Prohibited person" means any excluded person, any voluntarily-excluded person, and all of the following:

(i) An individual who is under the age of 21.

(ii) Any employee of, or appointee to, the Michigan gaming control board.

(iii) Employees of an internet gaming operator. An employee of an internet gaming operator shall not create an internet wagering account or place an internet wager with the internet gaming operator for which he or she is employed unless using a test account under R 432.639a.

(iv) Employees of an internet gaming platform provider. An employee of an internet gaming platform provider shall not create an internet wagering account or place an internet wager with the internet gaming operator for which the internet gaming platform provider supplies the internet gaming platform unless using a test account under R 432.639a.

(v) Employees or appointees of a tribal gaming regulatory agency with jurisdiction over internet gaming being operated under the tribe's gaming ordinance and the Indian gaming regulatory act, 18 USC 1166 to 1168 and 25 USC 2701 to 2721.

(vi) Occupational licensees and applicants. Occupational licensees and applicants shall not place wagers with the internet gaming operator or internet gaming platform provider for which they are employed or for which they had to qualify.

(vii) An individual not in an authorized location to make a wager.

(viii) An individual placing an internet wager on behalf of another

(ix) An individual wagering in violation of state, tribal, or federal law.

(x) Other prohibited persons as determined by the board.

(t) "Publicly traded corporation" means any corporation or other legal entity regulated by the U.S. Securities and Exchange Commission under the securities exchange act of 1934, 15 USC 78a to 78qq, or securities act of 1933, 15 USC 77a to 77aa.

(u) "Random number generator" or "RNG" means a computational or physical device, algorithm, or system designed to produce numbers in a manner indistinguishable from random selection. .

(v) "Remote gaming system" means hardware and software used to provide authorized internet games to an authorized participant on an internet gaming platform. The remote gaming system may contain features common to game offerings, game configurations, the random number generator, and

reporting. The remote gaming system may be a standalone system or integrated within another part of the internet gaming platform.

(w) "Remote player device" means an authorized participant-owned device that at a minimum will be used for the execution of game play. Examples of a remote player device include a personal computer, mobile phone, tablet, etc.

(x) "Secure transaction file" means a file that contains data that cannot be modified without detection.

(y) "Self-authentication process" means a method used by a system to verify the validity of software and includes the following:

(i) The method requires the calculation of an output digest that is compared to a secure embedded value.

(ii) The output digest must be of 128-bit complexity, at a minimum.

(iii) Software is authenticated if the calculated digest equals the secure embedded value.

(z) "Self-exclusion list" means a list of individuals who voluntarily excluded themselves from establishing or maintaining an internet wagering account with an internet gaming operator or internet gaming platform provider.

(aa) "Strong authentication" means a method that has been demonstrated to the satisfaction of the board to effectively provide higher security than a username and password alone.

(bb) "Suspended account" means an internet wagering account that has been temporarily disabled from engaging in wagering activity.

(cc) "Targeted mailing" means an advertisement or promotional offer from an internet gaming operator or an internet gaming supplier directed to an individual on the basis of specific criteria, such as being a member or former member of a rewards club or a participant in social games. "Targeted mailing" does not include mass communication, including mailings or e-mailings, made to an entire area or zip code or targeted list, nor does it include an advertisement that arrives in a packet of 5 or more non-gaming advertisements, if the packet of advertisements is addressed to "resident," "occupant," or some similar wording and not to a specific individual. "Targeted mailing" further does not include any "pop-up" advertisement that appears on an individual's computer or mobile device on the basis of his or her IP Address.

(dd) "Theoretical return to player" or "RTP" means the expected percentage of bets or wagers that a specific game will return to the player in the long run. The RTP can be calculated via either a theoretical or simulated approach. The method used for calculation depends on the game type.

(ee) "Things of value" means anything of value that may be used to place an internet wager.

(ff) "Voluntarily-excluded person" means any individual whose name is included, at his or her own request, in the responsible gaming database or on a self-exclusion list, or both.

R 432.612 Terms defined in act.

Rule 612. Terms defined in the act have the same meaning when used in these rules.

R 432.613 Board duties, jurisdiction, and authority.

Rule 613. (1) To execute and administer the act for the purpose of licensing, regulating, and enforcing lawful internet gaming, the board may do all of the following:

(a) Determine its practices and internal policies or procedures.

(b) Delegate to the executive director all powers and authority to act in the name of the board with respect to all reasonable, necessary, and appropriate actions to administer and carry out the administrative and executive functions of the board including, but not limited to, the power to do any of the following:

(i) Execute and enter into contracts on behalf of the board.

(ii) Hire and fire employees of the board and administer oaths.
(iii) Issue subpoenas for the attendance of witnesses and the production of documents.
(iv) Issue and renew licenses.
(v) Register vendors.
(vi) Conduct investigations, inspections, and audits, share information with law enforcement agencies, conduct hearings, and settle alleged violations of the act and these rules.
(vii) Engage in other functions necessary to the proper administration and enforcement of the act and these rules.
(viii) Grant requests and waivers, answer inquiries, issue interpretations, and otherwise take any action that is reasonably requested by applicants, licensees, and vendors in furtherance of, and consistent with, the efficient administration and enforcement of the act and these rules, as determined to be necessary or appropriate by the executive director.

(2) The board may set hiring standards for employees.
(3) The board has general responsibility for the implementation of the act. The board's duties include, but are not limited to, all of the following:
(a) Deciding in a reasonable period of time all license applications.
(b) Investigating applicants for licenses or registration. The board may grant licenses or register persons in accordance with the act and these rules.
(c) Supervising internet wagering authorized by the act.
(d) Investigating alleged violations of the act or these rules and taking appropriate disciplinary action against a licensee or any other person, or instituting appropriate legal action for enforcement, or both.
(e) Conducting investigative and contested case hearings, issuing subpoenas, and administering oaths and affirmations to the witnesses to exercise and discharge the powers and duties of the board under the act.
(f) Revoking or suspending licenses and registrations, and imposing fines as the board considers necessary and in compliance with applicable laws of this state.
(g) Imposing fines against individuals, internet gaming operators and internet gaming suppliers for engaging in a fraudulent practice, for each violation of the act, these rules, or any resolution or order of the board, or for any other action that the board determines is a detriment or impediment to internet gaming.
(h) Taking any other action as may be reasonable or appropriate to enforce the act and these rules.
(4) The board may seek and shall receive the cooperation and assistance of other departments and agencies in conducting background investigations and in fulfilling its responsibilities under the act.

R 432.613a Member, employee, or agent of board; conduct generally.

Rule 613a. (1) By January 31 of each year, each member, the executive director, and all employees of the board shall file 1 or more board disclosure forms. The board shall determine the contents of the form, but it must include such information as necessary to ensure the integrity of internet gaming and disclosure of all relevant financial information. The form may be combined with similar forms required by other acts or rules.
(2) If a member, the executive director, an employee, or an agent of the board negotiates for, or acquires by any means, any interest in a licensee, applicant, or person affiliated with a licensee or applicant, he or she must immediately provide written notice of the details of the interest to the chairperson. The member, executive director, employee, or agent of the board must not act on behalf of the board with respect to that licensee, applicant or person affiliated with the licensee or applicant.
(3) A member, the executive director, an employee, or an agent of the board may enter into any negotiations for employment with a licensee, applicant or affiliate of a licensee or applicant. The

member, executive director, employee, agent, licensee, applicant, or affiliate must immediately notify the chairman and the executive director once the invitation to negotiate has been extended. A potential employer asking if an individual would be interested in a position or explaining the nature of a position does not constitute negotiations for employment. Further, an individual completing an employment application does not constitute negotiations for employment. The member, executive director, employee, or agent of the board must not take any action on behalf of the board with respect to that licensee, applicant, or person affiliated with a licensee or applicant while the negotiations are ongoing. All members, the executive director, board employees, agents, and contractors must, to the maximum extent possible, avoid situations, relationships, or associations that may represent or lead to an actual or perceived conflict of interest.

(4) A member, the executive director, an employee, or an agent, or their spouse, may not accept any gift, gratuity, compensation, travel, lodging, or anything of value, directly or indirectly, from any licensee, applicant, or an affiliate or representative of an applicant or licensee, unless the acceptance conforms to a written policy issued by the chairperson. The chairman may exempt attendance at a reception, and food and drink for immediate consumption, from this policy. The policy must be publicly available and shared with all licensees.

(5) A licensee, applicant, or an affiliate or representative of an applicant or licensee, shall not, directly or indirectly, give or offer to give any gift, gratuity, compensation, travel, lodging, or things of value to any member, the executive director, an employee, or an agent of the board that the member, employee, or agent of the board is prohibited from accepting under subrule (4) of this rule.

(6) A licensee, applicant, or an affiliate or representative of an applicant or licensee must not engage in ex parte communications with a member of the board. A member of the board must not engage in any ex parte communications with a licensee, applicant, or affiliate or representative of an applicant or licensee.

(7) Any member, licensee, applicant, or affiliate or representative of a board member, licensee, or applicant who receives any ex parte communication in violation of subrule (6) of this rule, or who is aware of an attempted communication in violation of subrule (6) of this rule, must immediately report details of the communication or attempted communication in writing to the chairperson.

(8) A member, the executive director, an employee, or an agent of the board must not have an internet wagering account or participate in or wager on any internet gaming conducted in this state except as part of the individual's surveillance, security, or other official duty authorized by the board.

(9) Violation of this rule by a licensee, applicant, or affiliate or a representative of a licensee, applicant, or affiliate, may result in denial of an application for licensure, revocation or suspension of a license, or other action by the board.

(10) Violation of this rule does not create a civil cause of action.

R 432.614 Denial or non-renewal hearings.

Rule 614. (1) A person whose application for a license or a transfer of ownership has been denied, whose license has not been renewed, or who has been denied an approval from the board required in these rules may request a hearing. The hearing must be de novo.

(2) The person must submit an original hearing request, pleading, or other written document to the board, serve each party or attorney of record, and provide a proof of service on each party or attorney of record.

R 432.614a Request for hearing.

Rule 614a. (1) A request for hearing must meet all of the following requirements:

(a) Be in writing.

(b) State the name, current address, and current telephone number of the petitioner.

(c) State in detail the reasons why, and the facts upon which the petitioner will rely to show that, the petitioner's application for a license should not have been denied, the license should have been renewed, the transfer of ownership should have been approved, or approval should have been granted.

(d) Be signed, verified, and dated. A petitioner must have the verification notarized and include a certification stating, "Under the penalty of perjury, the undersigned has examined this request for hearing and to the best of my knowledge and belief it is true, complete, and correct."

(2) A request for hearing must be submitted within 21 days after service of the notice of denial, notice of nonrenewal, or disapproval. A request for a hearing submitted by certified mail or overnight express mail is considered submitted in a timely manner if it is postmarked no later than 21 days after service of a notice of denial, notice of nonrenewal, or disapproval.

(3) A request for a hearing is considered granted unless denied.

(4) A request for a hearing may be withdrawn by the petitioner. If the request for hearing is withdrawn, then the initial denial, nonrenewal, or disapproval becomes a final board order.

(5) Unless the board denies a request for hearing, the board shall submit the request for hearing to the appropriate state agency.

(6) Default judgment or dismissal may result at any stage of the proceeding.

R 432.614b Proceedings.

Rule 614b. (1) The burden of proof is at all times on the petitioner. The petitioner has the affirmative responsibility of establishing, by clear and convincing evidence, any of the following:

(a) The petitioner should have been awarded a license.

(b) The license should have been renewed.

(c) The transfer of ownership should have been approved.

(d) Approval should have been granted.

(2) The hearing must be conducted in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, except as otherwise provided in these rules or the act.

R 432.614c Prohibition on ex parte communication.

Rule 614c. A party or its attorney must not communicate directly or indirectly with the hearing officer regarding any pending matter, except upon notice and opportunity for all parties to participate. A party that engages in ex parte communication with the hearing officer may be subject to sanctions and penalties.

R 432.614d Sanctions and penalties.

Rule 614d. (1) The hearing officer may recommend sanctions and penalties if the hearing officer finds that a party has failed to appear at a scheduled hearing, has acted in bad faith for the purpose of delay, or has otherwise abused the hearing process. Sanctions and penalties include, but are not limited to, a fine or default judgment or a directed finding on 1 or more issues.

(2) If a petitioner refuses to testify on his or her own behalf with respect to any question propounded to him or her, then the hearing officer may infer that the testimony or answer would have been adverse to the case of the petitioner.

(3) If the petitioner or attorney of record fails to answer a subpoena or refuses to testify fully at the request of the board, then the failure may be considered independent grounds for a finding that the petitioner should have been denied a license or the transfer of ownership. The hearing officer may also infer from the failure to answer a subpoena or refusal to testify fully that the testimony would have been adverse to the petitioner.

R 432.614e Recording proceedings; transmittal of record and board action.

Rule 614e. (1) Oral proceedings involving contested issues must be recorded to ensure the preservation of the testimony. A party may request a transcript of the proceedings. The requesting party must pay for the transcript.

(2) Unless otherwise specified by the board, the hearing officer, within 60 days after the conclusion of the hearing, or the submission of post-hearing briefs or proposed findings of fact, shall issue, to the board and to the parties, written findings of fact,
conclusions of law, and recommendations. Findings of fact must be based exclusively on testimony, evidence, and matters within the record. The findings of fact must be stated separately.

(3) Unless otherwise agreed to by the parties or as set by the hearing officer, the parties have 21 days after the service of the findings of fact, conclusions of law, and recommendations of the hearing officer to file objections.

(4) Unless otherwise agreed to by the parties or as set by the hearing officer, the parties may file a response to the objections within 21 days after service of the objections.

(5) After the time period for the parties to file objections and responses to those objections, the hearing officer must transmit the entire record to the board.

(6) Before issuing a final order, the board must consider the record as a whole.

(7) After considering the record, the board may take any of the following actions:

(a) Affirm the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer as its final board order.

(b) Issue a final order modifying the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer.

(c) Issue a final order rejecting the written recommendations, findings of fact, and conclusions of law submitted by the hearing officer.

(d) Issue an order remanding the matter, with instructions, to the hearing officer for further proceedings.

(8) The board must serve copies of its orders on the parties.

(9) A board order becomes effective upon service.

R 432.615 Request for declaratory ruling; form; contents.

Rule 615. (1) An individual who requests a declaratory ruling from the board as to the applicability to an actual state of facts of a statute, rule, resolution, or order administered, promulgated, or issued by the board must do so in writing.

(2) The written request must contain the relevant and material facts along with a reference to the statute, rule, resolution, or order applicable.

R 432.615a Declaratory ruling; notice of issuance; request for information or arguments; hearing.

Rule 615a. (1) Within 90 days after the receipt of a request for a declaratory ruling, the board shall issue a written notification by regular first-class mail to the petitioner and the petitioner's legal counsel, if any, stating whether or not a declaratory ruling will be issued.

(2) If the board decides to issue a declaratory ruling, the board may do any of the following:

(a) Request more information from the individual.

(b) Request information from other interested parties.

(c) Request information from experts outside the board.

(d) Request oral or written arguments from interested parties.

(e) Hold a hearing upon proper notice to all interested parties.
(f) Decline to issue a declaratory ruling.

R 432.616 Reasons for investigation of, or disciplinary action against, licensee; hearing procedure.

Rule 616. (1) The board may initiate an investigation or a disciplinary action, or both, against a licensee if the board has reason to believe that at least 1 of the following applies:
(a) The licensee is not maintaining suitability for licensure as provided by the act.
(b) The licensee is not complying with licensure conditions.
(c) The licensee is not complying with all laws, rules, orders, and resolutions.
(2) Before initiating disciplinary proceedings, the board must give notice and an opportunity to show compliance under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292.
(3) An internet gaming operator is responsible for the conduct of any licensee it uses to conduct internet wagering under the act. An internet gaming supplier is also responsible for its conduct of internet gaming under the act and these rules. Any violation of the act or the rules by the internet gaming operator in which the internet gaming supplier participated in the action is also considered a violation by the internet gaming supplier, and the board may hold both, or either, accountable for the violation.
(4) The board may initiate a disciplinary proceeding by designating a member or the executive director to conduct a hearing or by initiating proceedings with the appropriate state agency under the contested case provisions of chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.288, and the rules promulgated under that chapter.

R 432.616a Actions available to hearing officer.

Rule 616a. (1) A hearing officer may recommend sanctions and penalties if the hearing officer finds that a party has failed to appear for a scheduled hearing, acted in bad faith for the purpose of delay, or has otherwise abused the hearing process.
(2) If a respondent fails to testify on the respondent's own behalf with respect to any question propounded to the respondent, the hearing officer may infer that the testimony or answer would have been adverse to the case of the respondent.
(3) If the respondent or attorney of record fails to answer a subpoena or refuses to testify fully at the request of the board, the failure may be considered independent grounds for a finding that the respondent should be disciplined. The hearing officer may also infer that the testimony would have been adverse to the respondent.

R 432.616b Actions available to the board.

Rule 616b. The board may take any of the following disciplinary actions against a licensee:
(a) Suspend, revoke, restrict, or place conditions on the license of a licensee.
(b) Require the removal of a licensee or the removal of an employee of a licensee.
(c) Impose a civil penalty for each violation of the act, rules, orders, or resolutions.
(d) Impose against an occupational licensee, for each violation of the act or these rules, a civil penalty of not more than $10,000.00 as a result of the violation or attempted violation of the act or these rules.
(e) Any other action considered necessary by the board to ensure compliance with the act or these rules.

R 432.617 Special proceedings.

Rule 617. (1) The board may suspend a license without notice or hearing if the board determines that the safety or health of persons or employees or the integrity of internet gaming is jeopardized by continuing an operation or that the action is necessary for the immediate preservation of the integrity of internet gaming, public peace, health, safety, morals, good order, or general welfare.

(2) The suspension may remain in effect until the board determines that the cause for suspension has been abated.
(3) Following a hearing, the board may revoke the license upon a determination that satisfactory progress toward abating the hazard has not been made.

R 432.618 Waiver of requirements.
Rule 618. The board may, in writing, waive, restrict, or alter any requirement or procedure set forth in these rules, if the board determines any of the following:
(a) That the requirement or procedure is impractical or burdensome.
(b) That the waiver, restriction, or alteration is in the best interest of the public and the internet gaming.
(c) That the waiver, restriction, or alteration is not outside the technical requirements necessary to serve the purpose of the requirement or procedure.

PART 2. LICENSING: OPERATOR, SUPPLIER, OCCUPATIONAL; VENDOR REGISTRATION

R 432.621 Required notification of anticipated or actual changes in key person of internet gaming operator and internet gaming supplier.
Rule 621. An internet gaming operator applicant or licensee must notify the board before any anticipated or actual change in key person. An internet gaming supplier applicant or licensee must notify the board of any change in key person within 30 days after appointment.

R 432.621a Notification of new financial sources of internet gaming platform providers.
Rule 621a. An internet gaming platform provider applicant or licensee must notify the board, in writing, as soon as practicable, after it becomes aware that it intends to enter into a transaction related in any way to its development and operations that may result in any new financial backers, investors, mortgagees, bondholders, or holders of indentures, notes, or other evidences of indebtedness of the applicant or licensee. A publicly traded corporation is considered to have complied with this rule if it has complied with the reporting requirements in R 432.621d.

R 432.621b Notification by applicants or licensees required.
Rule 621b. (1) An internet gaming operator or internet gaming supplier applicant or licensee, affiliate that has control of an internet gaming operator applicant or licensee, or other person that has control of an internet gaming operator or internet gaming supplier applicant or licensee must notify the board, as soon as practicable after it becomes aware that, with regard to any such company, any person or individual has:
(a) Beneficially acquired more than 5% of any class of the company's equity securities.
(b) The ability to control the company.
(c) The ability to elect 1 or more directors of the company.
(2) To the extent known by the internet gaming operator license or internet gaming supplier license applicant or licensee, the required notification must include the name, business address, phone number, and other personal identification information for each person.
(3) A person applying for or holding an internet gaming operator license or internet gaming supplier license must report to the board the election or appointment of a director or officer of that applicant or licensee or a holding company of that applicant or licensee who is actively and directly engaged in the administration or supervision of that applicant’s or licensee’s internet gaming operation.

(4) A person who applies for or holds an internet gaming operator license and all other persons covered by this part must file any other document requested by the board to ensure compliance with the act or this part within 30 days after the board request or at another time established by the board.
(5) A publicly traded corporation is considered to have complied with this rule if it has complied with the reporting requirements in R 432.621d.

R 432.621c Required notification of formation, dissolution, or transfer of subsidiaries.
Rule 621c. (1) An internet gaming operator or internet gaming supplier applicant or licensee, affiliate that has control of an internet gaming operator applicant or licensee, or other person that has control of an internet gaming operator or internet gaming supplier applicant or licensee, must report, in writing, to the board, as soon as practicable, the formation or dissolution of, or any transfer of, a nonpublicly traded or publicly traded interest in an internet gaming operator or internet gaming supplier applicant or licensee, affiliate that has control of an internet gaming operator applicant or licensee, or other person that has control of an internet gaming operator or internet gaming supplier applicant or licensee.
(2) A publicly traded corporation is considered to have complied with this rule if it has complied with the reporting requirements in R 432.621d.

R 432.621d Publicly traded corporation reporting requirements.
Rule 621d. (1) A publicly traded corporation or other person that applies for or holds an internet gaming operator license or internet gaming supplier license who is a public reporting company under the securities exchange act of 1934, 15 USC 78a to 78qq, or the securities act of 1933, 15 USC 77a to 77aa, must submit a copy of all submissions required by the U.S. Securities and Exchange Commission to the board in a format prescribed by the board. The submissions are due within 14 days of the filing dates required by the U.S. Securities and Exchange Commission.
(2) If a publicly traded corporation or other person that applies for or holds an internet gaming operator license or internet gaming supplier license receives any material document filed with the U.S. Securities and Exchange Commission by any other person relating to the publicly traded corporation, the person must file 1 copy of the document with the board within 14 days after receipt of the material.
(3) A publicly traded corporation or other person that applies for or holds an internet gaming operator license or internet gaming supplier license must file a list of record holders of its voting securities with the board annually.

R 432.621e Exemption for institutional investors.
Rule 621e. (1) An institutional investor who acquires beneficial ownership of a person that has applied for or holds an internet gaming operator license or internet gaming supplier license must notify the board within 14 days after the institutional investor acquires the interest or files form 13-D or 13-G with the U.S. Securities and Exchange Commission, or both, and must provide additional information, and may be subject to a finding of suitability, as required by the board.
(2) An institutional investor who acquires and holds a less than 25% interest for investment purposes only in a person that has applied for or holds an internet gaming operator license or internet gaming supplier license in this state may, in a manner and form prescribed by the board, file an exemption form to establish exemption from the eligibility and suitability requirements of the act.
(3) The licensee in whom the institutional investor acquires the interest must file an application for approval of the transfer within 30 days after the transfer. Within the same time period, the institutional investor must file either an exemption form if the institutional investor holds the interest for investment purposes only or an application and disclosure forms as part of the licensee’s application if the institutional investor does not hold the interest for investment purposes only.

(4) The board may require that any person, including an institutional investor, seeking approval to hold ownership interests subject to this part apply for a finding of suitability in accordance with this rule if the board considers the finding of suitability necessary to ensure compliance with the act and these rules. If the board denies a request for an institutional investor exemption, the institutional investor must, within 30 days, either divest itself of the interest or file application and disclosure forms as part of the relevant licensee's license.
(5) The following activities are considered to be consistent with holding equity securities for investment purposes only under this rule:

(a) Voting, directly or indirectly, through the delivery of a proxy furnished by the board of directors, on all matters voted on by the holders of the voting securities.

(b) Serving as a member of a committee of creditors or security holders formed in connection with a debt restructuring.

(c) Nominating a candidate for election or appointment to the board of directors in connection with a debt restructuring.

(d) Accepting appointment or election as a member of the board of directors in connection with a debt restructuring and serving in that capacity until the conclusion of the member's term.

(e) Making financial and other inquiries of management of the type normally made by securities analysts for information purposes and not to cause a change in its management, policies, or operations.

(f) Other activities that the board determines to be consistent with the investment intent.

(6) If an institutional investor acquires 25% or more ownership interest of a licensee, the institutional investor must notify the board within 14 days of acquiring the ownership interest.

R 432.621f Applicability of part; transfer of ownership interest; limitation.

Rule 621f. (1) An interest in a person applying for or holding an internet gaming operator license or internet gaming supplier license may only be transferred in accordance with this part.
(2) The following persons must provide notice to the board no later than 30 days after execution of the transfer:

(a) Except for an internet gaming platform provider, a person that transfers or acquires greater than a 5% interest in a person that has applied for or holds an internet gaming operator license or an internet gaming supplier license in this state.

(b) Except for an internet gaming platform provider, a person who, as a result of an acquisition, has acquired an interest totaling greater than 5% in a person that has applied for or holds an internet gaming operator license or an internet gaming supplier license in this state.

(3) Except as stated in subrules (5) and (6) of this rule, the following persons must provide notice to the board 30-days before execution of a transfer:

(a) A person that intends to transfer or acquire greater than a 5% interest in a person that has applied for or holds an internet gaming operator license or internet gaming platform provider in this state.

(b) A person who, as a result of an acquisition, will acquire an interest totaling greater than 5% in a person that has applied for or holds an internet gaming operator license or is an internet gaming platform provider in this state.

(4) The board must determine whether the person acquiring the interest is eligible and suitable under the standards set forth in the act and these rules, unless the board grants the person an institutional-investor exemption under these rules or under section 6(11) or 8(10) of the act, MCL 432.306 and 432.308. Once the board determines that the person acquiring the interest is eligible and suitable under the standards set in the act and these rules, the executive director may approve the transfer.
(5) A transfer of interest to an institutional investor that acquires or will have acquired, upon completion of the transfer, less than 25% of the equity securities of a person that applies for or holds an internet

gaming operator license or internet gaming supplier license may occur without first receiving executive director approval if the equity securities are held for investment purposes only but is subject to other requirements of this part.
(6) A transfer of interest in an internet gaming operator or internet gaming supplier licensee may occur if the transfer is between persons the board has found eligible and suitable for licensure during the licensing period in which the transfer occurs. In those cases, approval of the transfer must be requested no later than 30 days after the transfer, and the executive director may decide the application.
(7) If approval of the transfer of interest is denied by the executive director or the person acquiring the interest is found unsuitable by the board, the transferee must divest itself of the interest within 30 days after the date of the order denying approval.

R 432.621g Application for transfer of ownership.
Rule 621g. (1) A person desiring to acquire an ownership interest in a person applying for or holding an internet gaming operator license or internet gaming supplier license must complete and submit application and disclosure forms, in the manner and form prescribed by the board.
(2) A person desiring to acquire an interest in a person applying for or holding an internet gaming operator license or internet gaming supplier license must present evidence that the person desiring to acquire the interest is eligible and suitable under the standards and criteria for licensure set forth in the act and these rules.
(3) A person applying for or holding an internet gaming operator license or internet gaming supplier license that is attempting to transfer an ownership interest must submit any information or documentation considered necessary by the board to ensure compliance with the act and these rules.

R 432.621h Transfer investigative costs and fees.
Rule 621h. An investigation fee may be assessed to the extent that there are costs directly associated with the background investigation relating to the person desiring to acquire an interest in an internet gaming operator or internet gaming supplier. Unless otherwise determined by the board, approval may be withheld until full payment of the background investigation fees.

R 432.621i Denials.
Rule 621i. If an application for a transfer of interest is denied, a notice of denial must be issued.

R 432.621j Review of information at licensee's or applicant's premises; costs to internet gaming operator and internet gaming supplier.
Rule 621j. (1) The board may review, at the premises of the custodian of the information, any information that the act or these rules provide for from any of the following entities:
(a) A license applicant.
(b) A licensee.
(c) A key person.
(2) If information is reviewed at the premises of the custodian of the information, the license applicant or licensee must, as soon as practicable, reimburse the board for all licensure investigation expenses incurred in performing the review at the premises of the custodian of the information, including travel, food, and lodging that exceed the amount of the application fee.

R 432.621k Applicant/licensee disclosure of representatives to act on their behalf before the board.
Rule 621k. (1) An applicant or licensee must file, with the board, a list of persons authorized to act on the applicant's or licensee's behalf as to any matter before the board. An attorney appearing on behalf of

an applicant or licensee in a matter before the board must promptly file an appearance identifying his or her client and the matter in which the attorney will appear.
(2) A person holding or applying for a license must establish and identify a representative for the purpose of accepting service of process, notices, and other forms of communication from the board for the person holding or applying for a license.

R 432.622 License classifications.
Rule 622. (1) The following licenses may be issued under the act and these rules:
(a) Internet gaming operator license.
(b) Internet gaming supplier license.
(2) The following persons are eligible to hold an internet gaming operator license:
(a) A person that holds a casino license under the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.201 to 432.226.
(b) An Indian tribe that lawfully conducts class III gaming in a casino located in this state under a facility license issued in accordance with a tribal gaming ordinance approved by the chair of the National Indian Gaming Commission.
(3) A person that provides goods or services that directly affect wagering, play, and results of internet games to internet gaming operators is required to hold an internet gaming supplier license. As used in this subrule, "internet gaming supplier" includes, but is not limited to, the following:
(a) Internet gaming platform providers.
(b) Geofence providers.
(c) Providers of software that directly affect wagering, play, the results of an internet game, or the integrity of internet gaming.
(d) Providers hosting live internet gaming data.
(e) Affiliate marketers that have an agreement based on the sharing of customer revenue.
(f) Unless otherwise determined by the board, any other person that meets 1 or more of the following criteria:
(i) The person manufactures, supplies, or distributes devices, machines, equipment, items, or articles that meet any of the following provisions:
(A) Are specifically designed for use in the conduct of internet gaming.
(B) Have the capacity to affect the outcome of an internet wager.
(C) Have the capacity to affect the calculation, storage, collection, or control of gross receipts.
(ii) The person services or repairs internet gaming wagering devices, machines, equipment, items, or articles impacting the integrity of internet gaming.
(iii) The person provides services directly related to the operation, security, surveillance, or management of internet gaming.
(iv) The person provides other goods or services determined by the board to be so utilized in, or incidental to, the operation of an internet gaming operator that the person must be licensed as an internet gaming supplier to protect the public and enhance the credibility and integrity of internet gaming in this state.
(4) A person must be licensed as an internet gaming supplier before providing goods, software, or services as an internet gaming supplier to an internet gaming operator.

R 432.623 Occupational licensing.
Rule 623. (1) An individual must have an occupational license if his or her duties directly impact the integrity of internet gaming as determined by the board in its sole discretion, subject to the following:

(a) The board shall exercise its discretion with respect to any internet gaming operator applicant or licensee that is an Indian tribe consistent with limitations prescribed in the act.
(b) An internet gaming operator or internet gaming supplier may provide an explanation, such as a job description, to support an allegation that a position should not require an occupational license.
(c) Elected or appointed officials of a federally recognized Indian tribe located within this state are exempt from any occupational licensing requirement unless they are employees of the tribe's internet gaming operation.

(2) The following individuals when employed by an internet gaming operator or internet gaming supplier are considered by the board to directly impact the integrity of internet gaming:
(a) An individual who has the capability to directly affect the outcome of an internet wager or game.
(b) An individual who has the capability of affecting a payout to an authorized participant.

(3) An individual applying for an occupational license must complete an application in the manner and form prescribed by the board and submit it together with the required application fee and a written statement from an internet gaming operator or internet gaming supplier indicating that it has employed or will employ the individual if the individual is licensed.

(4) If a preliminary review of the application and criminal history check does not uncover or indicate any circumstance that may require denial of the application under the licensing standards established in this rule, a temporary occupational license may be issued. The temporary occupational license authorizes the individual to perform the employment duties for which the license is sought, pending action on the license application. A temporary license is valid until the occupational license application is withdrawn or denied, the temporary license is suspended or revoked, or the license is issued by the board.

(5) An individual has the burden to establish by clear and convincing evidence his or her suitability as to character, reputation, integrity, and responsibility.

(6) The board may, in its discretion, deny an occupational license to an individual who is or does any of the following:
(a) Fails to disclose or states falsely any information requested in the application.
(b) Has been convicted of a criminal offense involving gambling, dishonesty, theft, or fraud in any jurisdiction. However, the board may waive this requirement if the conviction occurred more than 5 years before the applicant applies for a license and the board is convinced that the applicant does not pose a threat to the integrity of internet gaming and the applicant otherwise meets the requirements of this rule.
(c) Has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction.
(d) Lacks the requisite suitability as to integrity and character as determined by the board.
(e) Has had a prior gambling related license or license application suspended, restricted, revoked, or denied for just cause in any other jurisdiction.

(7) The board shall decide whether to grant or deny the application for an occupational license. The decision must not be arbitrary or capricious.

(8) Upon granting the application for an occupational license and payment of the licensing fee, the executive director shall issue the occupational license.

(9) The occupational license is not transferable to another individual.

(10) An occupational licensee must have on his or her person the license while working for the applicable internet gaming operator or internet gaming supplier in this state during work hours.

(11) The board may exempt an individual from any or all of the occupational licensing requirements if any of the following apply:
(a) The individual is licensed under the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.201 to MCL 432.226.
(b) The individual is licensed under the lawful sports betting act, 2019 PA 149, MCL 432.401 to MCL 432.419.
(c) The individual is licensed by another governmental agency.
(d) The board determines, in its sole discretion, that licensing is not considered necessary to protect the public interest or accomplish the policies of the act.

(12) An individual exempted from occupational licensing may be required to register with the board using a form prescribed by the board.

(13) The board may suspend, revoke, summarily suspend, or refuse to renew a license for just cause.

(14) An occupational license is valid for 2 years and must be renewed as prescribed by the board. If the occupational licensee files a renewal request and pays the licensing fee in a timely manner and in the manner and form prescribed by the board, the licensee's existing occupational license does not expire until a decision on the application for renewal is made.

R 432.624 Fees, fines, taxes, payments, and assessments.

Rule 624. (1) All fees, fines, taxes, payments, and assessments provided for under the act and these rules must be timely submitted to the board by a payment method acceptable to the board, such as a certified check, cashier's check, money order made payable to "State of Michigan," or electronic transfer of funds.

(2) An internet gaming operator must remit the tax or payment imposed by the act to the board by an electronic transfer of funds. An internet gaming operator licensee must maintain an account at a designated financial institution that is capable of handling electronic fund transfers.

(3) The following nonrefundable license application fees must be submitted to the board, together with the required license application form or forms, for the corresponding license classification to which the fees relate:
(a) Internet gaming operator license application: $50,000.00.
(b) Internet gaming supplier license application: $2,500.00.
(c) Occupational license application: $250.00.

(4) The license application fee will be used by the board to conduct an appropriate background investigation of the applicant as prescribed by the board, the act, and these rules. No portion of a remitted application fee will be refunded.

(5) An additional background investigation charge may be assessed to the extent the board's direct investigative costs exceed the applicant's application fee. Unless otherwise determined by the board, a license may not be issued until payment of the additional assessed charge for completion of the background investigation is received by the board.

(6) A licensee may also be assessed the board's direct investigative costs arising from a background investigation for renewal of a license to the extent the costs exceed the application fees. The board may deny a renewal application if the licensee does not pay the additional assessed costs by a date set by the board.

(7) The following license fees must be submitted to the board by the applicant upon initial issuance of the license under the act and these rules:
(a) Internet gaming operator license: $100,000.00.
(b) Internet gaming supplier license: $5,000.00.
(c) Occupational license: $250.00.

(8) The following license fees must be submitted to the board by the licensee after the initial license is issued under the act and these rules:

(a) Internet gaming operator license annual fee: $50,000.00

(b) Internet gaming supplier license annual fee: $2,500.00.

(c) Occupational license biennial fee: $250.00.

R 432.624a Deposit of fees, fines, taxes, payments, and assessments.

Rule 624a. Except as provided in sections 15 and 15a of the act, MCL 432.315 and 432.315a, all fees, fines, taxes, payments, and assessments imposed by this state under the act and these rules must be deposited into the internet gaming fund.

R 432.625 Investigation process for internet gaming operators and internet gaming suppliers.

Rule 625. The board shall conduct a background investigation on an applicant subject to the limitations of section 6 of the act, MCL 432.306, when the applicant is an Indian tribe. The board shall also use the information provided in the application and disclosure form or forms as a basis for a background investigation and to evaluate and determine the eligibility and suitability of the applicant to receive an internet gaming operator license or internet gaming supplier license under the licensing standards and criteria provided in the act and these rules. A misrepresentation or omission in the application is cause for the denial, suspension, restriction, or revocation of an internet gaming operator license or internet gaming supplier license by the board.

R 432.625a Persons required to be found eligible and suitable.

Rule 625a. (1) The board shall not issue or renew an internet gaming operator license or internet gaming supplier license unless every person required by the act and these rules as part of the application for issuance or renewal of the license has first been determined by the board to be eligible and suitable in accordance with the relevant licensing standards set forth in the act and these rules.

(2) Unless otherwise prescribed by the board, the following persons are required to be found eligible and suitable as part of the application for the issuance, or request for renewal, of an internet gaming operator license or internet gaming supplier license:

(a) A person who is required to apply for an internet gaming operator license or internet gaming supplier license under the act and these rules.

(b) A person who is included in the term “applicant” as defined in section 3 of the act, MCL 432.303.

(c) A person who is a key person.

(3) A person required to be found eligible and suitable as part of the application for issuance or renewal of an internet gaming operator license or internet gaming supplier license must complete and file with the board an application and required disclosure forms in the manner and form prescribed by the board.

(4) A person that applies for or holds an internet gaming operator or internet gaming supplier license must ensure that all persons who are required by the act and these rules to establish their eligibility and suitability as part of the applicant's application for the issuance, or the licensee's maintenance or renewal, of the internet gaming operator license or internet gaming supplier license have filed, with the board, all required applications, reports, and disclosure forms in the manner and form prescribed by the board.

R 432.625b License issuance by the board—standards and criteria.

Rule 625b. (1) Except to the extent the board may require different or additional procedures, an applicant for an internet gaming operator license or internet gaming supplier license is subject to all of the following before licensing:

(a) Application
(b) Background investigation
(c) Action and decision by the board on the application.

(2) A person that is required to be licensed as an internet gaming operator or internet gaming supplier under the act and these rules must, before issuance of an internet gaming operator's or internet gaming supplier's license, produce information, documentation, and assurances to establish all of the following by clear and convincing evidence:

(a) Its suitability as to character, reputation, integrity, business probity, and financial ability.
(b) Its willingness to be subject to the jurisdiction of the board.
(c) That the applicant has adequate capitalization and the financial ability and the means to develop, construct, operate, and maintain the applicant's internet gaming operator or internet gaming supplier business in accordance with the act and these rules.
(d) That the applicant has adequate capitalization and the financial ability to responsibly pay its secured and unsecured debts in accordance with its financing agreements and other contractual obligations.
(e) That the applicant's compliance with casino or casino-related licensing requirements or compacts with this state or any other jurisdiction.
(f) That the applicant and all other persons required to be found eligible and suitable as part of the application are eligible and suitable for licensure under the licensing standards, criteria, and requirements.
(g) That the applicant, if an individual, and all other individuals required to be found eligible and suitable as part of the application are not less than 21 years of age, unless otherwise approved by the board.
(h) That the applicant and all other persons required to be found eligible and suitable as part of the application have not been convicted of any criminal offense involving gaming, theft, dishonesty, or fraud in any jurisdiction. However, the board may waive this requirement if the conviction occurred more than 5 years before the applicant applies for a license and the board is convinced that the applicant does not pose a threat to the integrity of internet gaming and the applicant otherwise meets the requirements of this rule.
(i) That the applicant and all other persons required to be found eligible and suitable as part of the application do not appear on the exclusion list of any jurisdiction.
(j) That the applicant and all other persons required to be found eligible and suitable as part of the application are in substantial compliance with all local, state, and federal laws.
(k) That the applicant has the financial ability to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond.

(3) Subrule (2) of this rule does not apply to an Indian tribe except to the extent authorized by the act. To the extent a non-tribal applicant or licensee will be providing goods and services to an internet gaming operator who is an Indian tribe, that applicant or licensee shall provide information relative to its relationship with the internet gaming operator to determine if it is an arm of the tribe. Arm of the tribe means a tribally-created economic entity owned in part or in whole by the Indian tribe which was intended by the Indian tribe to share in its sovereign immunity and satisfies any relevant legal criteria under federal Indian law for establishing arm of the tribe status.

(4) Once licensed, a person must comply with the act and these rules. Failure to comply may result in disciplinary action.

R 432.625c Provisional licenses for internet gaming suppliers.

Rule 625c. (1) Upon written request of a person applying for an internet gaming supplier's license, the executive director may issue a provisional license to the applicant and permit the applicant to conduct business transactions with, and provide goods and services to, internet gaming operators, if all of the following provisions are complied with:

(a) A completed application, an application fee, and all required disclosure forms and other required written documentation and materials have been submitted by the applicant.

(b) Preliminary review of the application and a criminal history check does not reveal that the applicant or the applicant's affiliate or key person has been convicted of a felony or misdemeanor involving gambling, theft, dishonesty, or fraud, or may otherwise be ineligible or unsuitable to permit licensure under the act or these rules.

(c) There is no other apparent deficiency in the application that may require denial of the application.

(d) The applicant has a letter of intent to provide goods or services to an internet gaming operator or the applicant shows good cause for being granted a provisional license.

(2) A provisional license issued under this rule expires on the date provided by the board.

(3) If the internet gaming supplier's provisional license expires, or is suspended or revoked, the executive director shall forward the applicant's application for an internet gaming supplier license to the board at the conclusion of the background investigation for action on the application.

(4)The board may, at its discretion, waive any or all of the provisions listed in subrule (1) of this rule if the applicant is licensed by the board under the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.201 to 432.226, or the lawful sports betting act, 2019 PA 149, MCL 432.401 to 432.419.

R 432.626 Denials.

Rule 626. (1) If the board denies an application for a license, it shall direct the executive director to issue a notice of denial.

(2) An applicant, including an individual applying for an occupational license, who is served with a notice of denial under these rules may request a contested case hearing as set forth in these rules.

(3) The notice of denial is a finding that the person is ineligible or unsuitable for licensure or is otherwise in violation of the licensing requirements of the act or these rules. When the board denies an application for a license, the person is prohibited from conducting business that would otherwise require licensure.

(4) A person whose application for a license has been denied may not reapply for a period of 1 year from the date on which the board voted to deny the application unless otherwise approved by the board.

(5) A person whose application for a license was denied may seek leave of the board to reapply within the 1-year period by addressing the request to the board. The board may require the person to present oral or written argument outlining why an exception should be made.

R 432.627 Renewal of a license.

Rule 627. (1) An internet gaming operator or internet gaming supplier license when issued is valid for a 5-year period.

(2) An internet gaming operator or internet gaming supplier licensee may renew its license every 5 years after receiving its initial license.

(3) An internet gaming operator or internet gaming supplier licensee intending to renew its license must, at least 30 days before expiration of its license, submit the annual license renewal fee and application in the manner and form required by the board.

(4) If the board denies the application for renewal, it shall direct the executive director to issue the licensee a notice of nonrenewal.
(5) An internet gaming operator or internet gaming supplier licensee who is served with a notice of nonrenewal under this rule may request a contested case hearing as set forth in these rules.
(6) The notice of nonrenewal is a finding that the internet gaming operator or internet gaming supplier licensee is ineligible or unsuitable for licensure or is otherwise in violation of the licensing requirements of the act or these rules. When the board denies an application for renewal, the person is prohibited from conducting business that would otherwise require licensure.

R 432.628 Application explained; applicant to demonstrate eligibility and suitability.

Rule 628. (1) An application for a license under the act and these rules is a request by the applicant seeking a revocable privilege. A license must be granted by the board if the applicant meets the licensing requirements of the act and these rules.
(2) An applicant for a license under the act and these rules, at all times, has the burden of demonstrating to the board, by clear and convincing evidence, that the applicant is eligible and suitable to be granted and retain the license for which application is made under the applicable licensing standards and requirements of the act and these rules.
(3) A license issued by the board under the act and these rules is a revocable privilege granted by the board. A person who holds a license does not acquire, and must not be considered to have acquired, a vested property right or other right in the license.
(4) An applicant or licensee must accept any risk of adverse publicity, public notice, notoriety, embarrassment, criticism, financial loss, or other unfavorable or harmful consequences that may occur in connection with, or as a result of, the application and licensing process or the public disclosure of information submitted to the board with a license application or at the board's request under the act and these rules.
(5) An applicant or licensee may claim any privilege afforded by the Constitution or laws of the United States or of this state in refusing to answer questions or provide information requested by the board. However, a claim of privilege with respect to any testimony or evidence pertaining to the eligibility or suitability of an applicant or licensee to be granted or hold a license under the act and these rules may constitute cause for denial, suspension, revocation, or restriction of the license.
(6) An applicant and licensee have a continuing duty to do all of the following:
   (a) Notify the board of a material change in the information submitted in the license application submitted by the applicant or licensee or a change in circumstance that may render the applicant or licensee ineligible or unsuitable to hold the license under the licensing standards and requirements of the act and these rules.
   (b) Maintain the applicant's or licensee's eligibility and suitability to be issued and hold the license held or applied for under the act and these rules.
   (c) Provide any information or records requested by the board relating to licensing or regulation; cooperate with the board in investigations, inspections, audits, hearings, and enforcement and disciplinary actions; allow access to its facilities relevant to Michigan internet gaming operation; and comply with all conditions, restrictions, requirements, orders, and rulings of the board in accordance with the act and these rules.

R 432.628a Eligibility and suitability of new key person.

Rule 628a. An individual required to be found eligible and suitable or licensed under the act or these rules by virtue of his or her position with an internet gaming operator licensee must not perform any duties or exercise any powers of the position until he or she is determined to be eligible and suitable and is licensed by the board.

R 432.628b Duty to disclose violation of licenses.

Rule 628b. An internet gaming operator and an internet gaming supplier must immediately notify the board, in writing, if it becomes aware that an internet gaming operator, internet gaming supplier, or occupational licensee involved in its internet gaming operations under the act has acted contrary to the act or these rules.

R 432.628c Contracts.

Rule 628c. The internet gaming operator must maintain all contracts that relate to its Michigan internet gaming operations for 5 years following its expiration. The board must be allowed access to any contract related to its Michigan internet gaming operations entered into by an internet gaming operator upon demand. The internet gaming operator may be required by the board to promptly submit copies of any such contract upon request of the board.

R 432.629 Vendors.

Rule 629. (1) All of the following apply regarding vendor registration:

(a) A vendor who provides goods or services, or both, directly or indirectly, to an internet gaming operator or internet gaming platform provider in connection with its Michigan internet gaming operation may be required to register with the board. Vendors requiring registration include, but are not limited to, the following:
  (i) Affiliate marketers that do not have an agreement based on the sharing of customer revenue. In connection with its vendor registration, the affiliate marketer must certify it does not promote or market, or both, illegal online gaming sites to individuals located in Michigan. An illegal online gaming site is one that is not licensed to accept wagers from customers located in Michigan or any other state.
  (ii) Payment processors.
  (iii) A person that provides over $100,000.00 worth of goods or services, or both, to any internet gaming operator or internet gaming platform provider in connection with its Michigan internet gaming operations in a calendar year.
  (iv) Data centers providing physical security and infrastructure.
  (v) Any other person as considered necessary by the board.

(b) Unless otherwise provided for by the board, a person must be registered as a vendor before providing goods or services, or both, as a vendor to an internet gaming operator or internet gaming platform provider.

(c) An internet gaming operator or an internet gaming platform provider is prohibited from using an unregistered vendor to provide goods or services that require a vendor registration.

(d) Unless otherwise provided for by the board, the following persons are not required to register as a vendor:
  (i) Insurance companies.
  (ii) A person or entity that provides legal services.
  (iii) Entities providing medical related services.
  (iv) Michigan public institutions of higher education.
  (v) Public utilities regulated by the Michigan public service commission.
  (vi) A Michigan or federally chartered depository financial institution.
  (vii) A person or business that provides goods or services as a result of the licensee's employees engaging in business travel, including transportation, lodging, food, and fuel providers.
  (viii) A person who provides employee training or professional development to a licensee.

(ix) A person who provides conferences, seminars, publications, or memberships that will directly contribute to the work performance or professional development of the licensee's employees.

(e) To register, a vendor must complete and file with the board an application for registration and required disclosure forms in the manner and form prescribed by the board. An application for registration and required disclosure forms must be submitted to the board, together with a nonrefundable application fee of $200.00 by a payment method acceptable to the board, such as a certified check, cashier's check, money order made payable to "State of Michigan", or electronic fund transfer.

(2) All of the following apply regarding renewal of a vendor registration:

(a) A vendor must renew its registration every 5 years after initial registration.

(b) A vendor intending to renew its registration must, at least 30 days before expiration of its registration, submit the annual registration fee and application in the manner and form required by the board.

(3) All of the following apply regarding vendor conduct:

(f) A vendor must, at all times, conduct itself in a manner that does not compromise the integrity of internet gaming or violate any applicable provisions of the act and these rules.

(g) The board may conduct an investigation to determine if a vendor has acted in a manner that does or could compromise the integrity of internet gaming in this state. The following may be considered during an investigation:

(i) Criminal records.

(ii) Suspension of licenses, registration certificates, or their equivalent, or any other adverse actions in other jurisdictions.

(iii) Business reputation.

(iv) Associations with businesses and individuals.

(v) Compliance with gaming laws and regulations in Michigan and other jurisdictions.

(vi) Any other information considered appropriate by the board.

(h) Vendors agree to be subject to the jurisdiction of the board; have a continuing duty to provide information or records requested by the board; must cooperate with the board in any investigation, inspection, audit, or inquiry; and must allow the board access to its facilities that are relevant to Michigan internet gaming operations.

(i) If the investigation reveals a vendor's conduct could or does compromise the integrity of internet gaming in this state, the board may issue a cease and desist order, obtain injunctive relief, or take any other action necessary to protect the integrity of internet gaming in this state, or all 3.

(j) Vendors have a continuing duty to notify the board of any change in information previously submitted to the board.

PART 3. TECHNICAL STANDARDS

R 432.631 Geofence requirements.

Rule 631. (1) All internet wagering transactions must be initiated and received or otherwise made by an authorized participant located in this state or, if the act allows the board to enter into agreements to facilitate, administer, and regulate multijurisdictional internet gaming, another jurisdiction authorized by a multijurisdictional internet gaming agreement. An authorized participant located in another jurisdiction authorized by a multijurisdictional internet gaming agreement must only be allowed to place

internet wagers on internet games authorized by the board under the multijurisdictional internet gaming agreement.

(2) To prevent the unauthorized placement of an internet wager by an individual or authorized participant not within this state, the internet gaming operator and its internet gaming platform provider must utilize a geofencing system to reasonably detect the physical location of an individual or authorized participant attempting to access the internet gaming platform and place an internet wager and to monitor and block unauthorized attempts to access the internet gaming platform to place an internet wager when an individual or authorized participant is not within the permitted boundary.

(3) The geofencing system must ensure that an individual or authorized participant is located within the permitted boundary when placing an internet wager, and must be equipped to dynamically monitor the individual's or authorized participant's location and block unauthorized attempts to access the internet gaming platform to place an internet wager throughout the duration of the internet gaming authorized participant session.

(4) The board shall approve all technical specifications for geofencing and any specific requirements related to geofencing technology that is commercially available.

R 432.632 Approval of internet gaming platform and games.

Rule 632. (1) Except as otherwise determined by the board in writing, an internet gaming platform provider or internet gaming supplier must not distribute an internet gaming platform or internet game to an internet gaming operator unless the item has been approved by the board.

(2) An internet gaming platform provider may seek approval of its internet gaming platform by submitting an application to the board in the manner and form prescribed by the board.

(3) If an internet gaming operator does not utilize an internet gaming platform provider and, instead, develops its own internet gaming platform or internet game, the internet gaming operator will be considered both an internet gaming operator and an internet gaming platform provider for the purposes of this part.

R 432.632a Internet gaming platform and internet game submission and approval process.

Rule 632a. (1) Each internet gaming platform provider must submit its internet gaming platform proposed for use by an internet gaming operator to the board or to an independent lab approved by the board for evaluation. The internet gaming platform provider must provide all information the board requests including, but not limited to, all of the following:

(a) A complete, comprehensive, and technically accurate description and explanation of the internet gaming platform and its intended use in both technical and lay language. The document must be signed under penalty of perjury.

(b) Detailed operating procedures or service manuals, or both, of the internet gaming platform.

(c) A summary description of internet game play, system features, and fault conditions.

(d) Details of all tests performed on the internet gaming platform, the conditions and standards under which the tests were performed, the test results, and the identity of the individual who conducted each test.

(e) A description of all hardware devices.

(f) A description of all software including software version.

(g) A description of all wagering communications.

(h) A description of all third-party integrated systems.

(i) Any equipment that is required to perform testing.

(j) A detailed description of the risk management framework including, but not limited to:

(i) User access controls for all internet gaming personnel.
(ii) Information regarding segregation of duties.
(iii) Information regarding automated risk management procedures.
(iv) Information regarding fraud detection.
(v) Controls for ensuring regulatory compliance.
(vi) Description of anti-money laundering compliance standards.

(2) An internet gaming platform provider or internet gaming supplier must submit all internet games, including, but not limited to, slot machine, table, live games, progressives, and peer-to-peer games proposed for use by any internet gaming operator to the board or to an independent lab approved by the board for evaluation.

(3) The internet gaming platform provider or internet gaming supplier must provide all information the board requests, including, but not limited to, all the following:
(a) A complete, comprehensive, and technically accurate description and explanation of the internet game and its intended use in both technical and lay language. The document must be signed under penalty of perjury.
(b) Detailed operating procedures.
(c) A description of internet game play, system features, and fault conditions.
(d) A description of all software including software version.
(e) Complete paytable information including paytable identification and date code.
(f) Detailed information on the RNG.
(g) Return to player (RTP) calculation sheet.
(h) Rake percentage.
(i) Rules of the game.

(4) All internet game software used to conduct internet gaming must be designed with a method to permit the validation of software using a gaming authentication tool or other method approved by the board.

(5) A submission for board approval of progressive software to be used on an internet gaming platform must also include all of the following at a minimum:
(a) Software controlling the internet jackpot.
(b) A mechanism to authenticate the software.
(c) Rules that will be displayed to the individual or authorized participant that apply to the progressive jackpot.
(d) The internet games that are common to a single progressive.
(e) The odds of hitting the progressive amount.
(f) The reset value of the progressive.
(g) The rate of progression for the progressive amount.
(h) How the rate of progression is split between the various progressive components.
(i) Other information considered necessary and requested in writing by the board to ensure compliance with the act and this part.

(6) All the following provisions apply to calculation sheets:
(a) For each internet game program submitted, the internet gaming platform provider or internet gaming supplier requesting approval must supply calculation sheets that determine the RTP percentage, including base game, bonus games or features, free games, double-up options, progressives, and any other game features included in the RTP calculation.
(b) Where different player options such as number of credits, lines bet, or player strategy cause the pay table to vary, a separate calculation for each option is required.

(7) The internet gaming platform provider or internet gaming supplier must submit all internet game source code and any special tool, computer equipment, compiling program, or other technical

assistance necessary to compile the submitted software. The result of the compiled source code must be identical to that in the storage medium submitted for evaluation.

(8) The internet gaming platform provider or internet gaming supplier must provide the board with a method to compensate for or resolve any differences between the compiled program and the submitted program. The internet gaming platform provider or internet game supplier may employ other equivalent methods that ensure the results of the complied source code are identical to the storage medium submitted for evaluation upon written request and approval of the board.

(9) Except where the board has provided written notification that approval is not required, an internet gaming operator must install or use an internet gaming platform or internet game, or both that has been approved by the board. An internet gaming operator must not alter the manner in which the internet gaming platform or internet game operates without the prior written approval of the board.

(10) After evaluating the internet gaming platform or internet game, the board shall advise the internet gaming platform provider or internet gaming supplier, in writing, of the determination.

R 432.632b Procedures and notification requirements after approval.

Rule 632b. (1) If another gaming jurisdiction revokes or otherwise directs discontinuance of the internet gaming platform, any component of the internet gaming platform, an internet game, or an internet game component that has been approved by the board, the internet gaming operator, internet gaming platform provider, or internet gaming supplier must advise the board in writing of the discontinuance within 21 days of the revocation or direction of discontinuance.

(2) An internet gaming operator, internet gaming operator license applicant, internet gaming platform provider, or internet gaming supplier must immediately notify the board, in writing, of any defects or malfunctions of the internet gaming platform, any component of the internet gaming platform, an internet game, or an internet game component that adversely affects the integrity or conduct of internet wagering or proper reporting of adjusted gross receipts, or that materially affects the operation or safety of, or wagering on, any internet gaming platform, any component of the internet gaming platform, any internet game, or any component of an internet game that has been approved by the board and is utilized by the internet gaming operator or internet gaming operator license applicant.

(3) An internet gaming operator, internet gaming platform provider, or internet gaming supplier must maintain all records required under this rule for a minimum of 5 years.

(4) The board may require an internet gaming operator to discontinue use of the internet gaming platform, any component of the internet gaming platform, an internet game, or any component of an internet game for any of the following reasons:

(a) The internet gaming platform, platform component, internet game, or internet game component does not perform in the manner described in the application and related submission documentation.

(b) The internet gaming platform, platform component, internet game, or internet game component is defective or malfunctions frequently.

(c) The internet gaming platform, platform component, internet game, or internet game component has a detrimental impact on the conduct or integrity of internet gaming.

(d) The internet gaming platform, platform component, internet game, or internet game component improperly computes adjusted gross receipts.

(5) The board shall provide written notification to the internet gaming operator, internet gaming platform provider, and the internet gaming supplier if the internet gaming platform, platform component, internet game, or internet game component is no longer approved for use.

R 432.633 Internet gaming platform and internet games technical standards.

Rule 633. (1) An internet gaming platform or internet game, or both, for use to conduct internet gaming must meet the specifications set forth in these rules or other technical specifications as prescribed by the board. Failure to comply with the approved specifications, internal controls, or technical specifications may result in disciplinary action by the board.

(2) Internet gaming operators, internet gaming platform providers, and internet gaming suppliers must comply with, and the board adopts and incorporates by reference, Gaming Laboratories International, LLC Standard GLI-19: Standards for Interactive Gaming Systems, version 3.0, released July 17, 2020, which is available for inspection and distribution at no cost, as of the time of adoption of these rules, at the board's office located at 3062 W. Grand Blvd., Suite L-700, Detroit, Michigan 48202-6062 or Gaming Laboratories International website at https://gaminglabs.com and does not include any later amendments or editions. GLI-19 standards are intended to supplement rather than supplant other technical standards and requirements under these rules. Where GLI-19 standards conflict with other requirements provided under these rules, these rules shall control unless otherwise determined by the board.

(3) Before conducting internet gaming, and as otherwise required by the board, an internet gaming platform provider must submit the internet gaming platform used in conjunction with the internet gaming operation to the board or an independent testing laboratory approved by the board for certification testing.

(4) If the internet gaming platform meets or exceeds the technical standards adopted in subrule (2) of this rule, the board or independent testing laboratory approved by the board shall certify the internet gaming platform. Internet gaming operators and internet gaming platform providers are prohibited from offering internet gaming in Michigan without such certification. The internet gaming platform provider is responsible for all costs associated with testing and obtaining such certifications.

(5) All internet games for proposed use must meet or exceed the technical standards adopted in subrule (2) of this rule. Internet gaming operators, internet gaming platform providers, and internet gaming suppliers are prohibited from offering any internet game without written approval by the board. An internet gaming platform provider and internet gaming supplier is responsible for all costs associated with testing and obtaining such approvals.

R 432.633a Additional internet gaming software and platform technical standards.

Rule 633a. (1) Software utilized for internet gaming must either:

(a) Continuously display the current time in the time zone where the game server is physically located and the time elapsed that an authorized participant has been in the current internet gaming authorized participant session, or

(b) Cause a pop-up notification, at least every half-hour, to be prominently displayed on the remote player device advising the authorized participant of the current time and the amount of time elapsed since his or her log on.

(2) An internet gaming platform must not induce an authorized participant to continue placing internet wagers when play is in session, when the authorized participant attempts to end an internet gaming authorized participant session, or when the authorized participant wins or loses an internet wager.

(3) No auto play feature will be permitted in internet game software unless authorized by the board.

(4) All internet games must operate in accordance with the game rules and internet wagering account terms and conditions approved by the board.

R 432.633b Additional standards for approval of internet games.

Rule 633b. (1) Each house-banked internet game that requires an internet wager must have an RTP equal to or greater than 80% but not more than 100% unless otherwise authorized by the board. The RTP must be calculated using both the highest and lowest level of skill, where player skill impacts the

RTP.
(2) An house-banked internet game must comply with all odds-related requirements prescribed in the technical standards adopted in R 432.633(2), including those prescribed in section 4.7.3 of the referenced technical standards, except that the odds of achieving the highest advertised award that is based solely upon chance must occur at least once in every 50 million games
(3) The RTP of a house-banked internet game must not decrease by more than 1/100 of a percentage point with an increased internet wager unless the aggregate total of the decreases in RTP for plays offered by the house-banked internet game is no more than 1/2 of 1 percent.
(4) The projected contribution from a progressive award may not count toward the RTP of a house-banked internet game in order to achieve the minimum RTP as approved by the board.

R 432.634 Location of servers, security, and cloud storage.
Rule 634. (1) Unless otherwise approved by the board in writing, an internet gaming operator and its internet gaming platform provider must place a server or other equipment that is capable of receiving internet wagers in this state. The location selected must have adequate security, protections, and controls over the servers or other equipment that is capable of receiving internet wagers, including those adopted in R 432.633(2). The internet gaming operator and its internet gaming platform provider must provide the board with information on the location of all servers and other equipment.
(2) The board may approve of the use of cloud storage for duplicate data upon written request of an internet gaming operator or internet gaming platform provider.

R 432.635 Communication standards.
Rule 635. (1) All internet gaming platforms authorized by the board under these rules must be designed to ensure the integrity and confidentiality of all individual and authorized participant communications and ensure the proper identification of the sender and receiver of all communications.
(2) If communications are performed across a public or third-party network, the internet gaming platform must either encrypt the data packets or utilize a secure communications protocol to ensure the integrity and confidentiality of the transmission.
(3) Internet gaming platform providers must meet or exceed all communication standards prescribed by the board.
(4) Internet gaming platform providers or internet gaming operators, or both must address all communication requirements in the internet gaming platform and internal controls submitted to the board for approval.

R 432.636 Internet gaming data logging standards.
Rule 636. (1) Internet gaming platforms must employ a mechanism capable of maintaining a separate copy of all information the board requires to be logged. Except as otherwise provided in subrule (2) of this rule, the information must be maintained on a separate and independent logging device capable of being administered by an employee with no incompatible function.
(2) If the internet gaming platform can be configured such that any logged data is contained in a secure transaction file, a separate logging device is not required.
(3) Internet gaming platform providers must meet or exceed all internet gaming data logging standards prescribed by the board. Internet gaming platform providers or internet gaming operators, or both must address all internet gaming data logging requirements in the internet gaming platform and internal controls submitted to the board for approval.
(4) The internet gaming platform must provide a mechanism for the board to query and export, in a format required by the board, all internet gaming platform data related to internet gaming conducted under the act.

R 432.637 Self-monitoring of internet gaming platform critical components.

Rule 637. An internet gaming platform must, at least once every 24 hours, perform a self-authentication process on all software used to offer, record, and process internet wagers conducted under this act that is identified by the board as a critical component to ensure there have been no unauthorized modifications. If there is an authentication failure, the internet gaming platform must immediately notify the internet gaming operator, internet gaming platform provider, and the board within 24 hours. The results of all self-authentication attempts must be retained by the internet gaming platform for not less than 90 days.

R 432.637a Change approval.

R. 637a. (1) Any change or modification to the internet gaming platform that impacts a regulated feature of an approved internet gaming platform, unless otherwise permitted by the board, requires submission to and approval by the board before the implementation of the change or modification. Regulated feature includes, but is not limited to, internet gaming platform and internet game software that is validated using a gaming authentication tool or other method approved by the board and all critical component software.

(2) The internet gaming operator and its internet gaming platform provider must submit change control processes that detail evaluation procedures for all updates and changes to equipment and the internet gaming platform to the board for approval. These processes must include details for identifying the criticality of updates and determining the updates that must be submitted to the board or a board approved independent testing laboratory for review and certification.

R 432.638 Internet gaming platform assessment.

Rule 638. (1) Each internet gaming operator or internet gaming platform provider shall, within 90 days after commencing operations, and annually thereafter, perform an internet gaming platform integrity and security assessment of the internet gaming platform conducted by an independent professional selected by the internet gaming operator or internet gaming platform provider and subject to approval of the board. The scope of the internet gaming platform integrity and security assessment is subject to approval of the board and must include, at a minimum, all of the following:

(a) A vulnerability assessment of internal, external, and wireless networks with the intent of identifying vulnerabilities of all devices, the internet gaming platform, and applications connected to or present on the networks.

(b) A penetration test of all internal, external, and wireless networks to confirm if identified vulnerabilities of all devices, the internet gaming platform, and applications are susceptible to compromise.

(c) A policy and procedures review against the current ISO 27001 standard or another similar standard approved by the board.

(d) Any other specific criteria or standards for the internet gaming platform integrity and security assessment as prescribed by the board.

(2) The full independent professional's report on the assessment must be submitted to the board and must include all the following:

(a) Scope of review.

(b) Name and company affiliation of the individual or individuals who conducted the assessment.

(c) Date of assessment.

(d) Findings.

(e) Recommended corrective action, if applicable.

(f) Internet gaming operator's or internet gaming platform provider's response to the findings and recommended corrective action.

R 432.639 Internet gaming operators and internet gaming platform provider technical and security standards (controls).

Rule 639. (1) An internet gaming operator or its internet gaming platform provider, or both must adopt, implement, and maintain technical security standards (controls) that meet or exceed those adopted in R 432.633(2). The technical security standards must apply, at a minimum, to all the following critical components of the internet gaming platform:

(a) Components that record, store, process, share, transmit, or retrieve sensitive information (e.g., validation numbers, personal identification numbers (PIN), and individual and authorized participant data).
(b) Components that generate, transmit, or process random numbers used to determine the outcome of games or virtual events.
(c) Components that store results or the current state of an authorized participant's internet wager.
(d) Points of entry to and exit from the components provided for in subdivisions (a) to (c) of this subrule and other systems that are able to communicate directly with core critical internet gaming platform components.
(e) Communication networks that transmit sensitive information involving internet gaming under the act.

(2) The following technical security standards are the minimum standards an internet gaming operator or internet gaming platform provider must incorporate into its internal controls:

(a) Technical security standards addressing internet gaming platform operations and security include, but are not limited to all of the following:
  (i) Internet Gaming Platform Operations and Security. The internet gaming operator or internet gaming platform provider must adopt, implement, and maintain procedures for, at a minimum, the following:
    (A) Monitoring the critical components and the transmission of data of the entire internet gaming platform.
    (B) Maintenance of all aspects of security of the internet gaming platform to ensure secure and reliable communications.
    (C) Defining, monitoring, documenting, reporting, investigating, responding to, and resolving security incidents.
    (D) Monitoring and adjusting resource consumption and maintaining a log of the internet gaming platform performance.
    (E) Investigating, documenting, and resolving malfunctions.
  (ii) Physical Location of Servers and Security. The internet gaming platform must be housed in secure locations. Internet gaming operators and their internet gaming platform providers must provide the board with information on the location of all internet gaming platform servers. The secure locations must have sufficient protection from unauthorized access and physical and environmental hazards and be equipped with surveillance and security systems that meet or exceed industry standards.
  (iii) Internet Gaming Platform Logical Access Controls. The internet gaming platform must be logically secured against unauthorized access.
  (iv) Internet Gaming Platform User Authorization. The internet gaming platform must be subject to user authorization requirements as required by the board.
  (v) Server Programming. The internet gaming platform must be sufficiently secure to prevent any user-initiated programming capabilities on the server that may result in unauthorized

modifications to the database.

(vi) Verification Procedures. Procedures must be in place for verifying on demand that the critical control program components of the internet gaming platform in the production environment are identical to those approved by the board.

(vii) Electronic Document Retention System. The internet gaming operator or internet gaming platform provider must establish procedures that ensure that all reports required under the act and these rules are stored in an electronic document retention system.

(viii) Asset Management. All assets that house, process, or communicate sensitive information, including those comprising the operating environment of the internet gaming platform or its components, or both, must be accounted for and have a nominated owner or designated management official that is responsible for each asset.

(b) The technical security standards addressing data security and backup recovery include, but are not limited to, all of the following:

(i) Data Security. The internet gaming platform must provide a logical means for securing individual and authorized participant data and wagering data, including accounting, reporting, significant event, or other sensitive information, against alteration, tampering, or unauthorized access.

(ii) Data Alteration. The alteration of any accounting, reporting, or significant event data relating to internet wagering under the act is not permitted without supervised access controls. If any data is changed, all information required by the board must be documented or logged.

(iii) Backup Frequency. Backup scheme implementation relating to information involving internet wagering under the act must occur at least once every day or as otherwise specified by the board.

(iv) Storage Medium Backup. Audit logs, internet gaming platform databases, and any other pertinent individual and authorized participant data and wagering data must be stored using reasonable protection methods. The internet gaming platform must be designed to protect the integrity of this data if there is a failure. Redundant copies of this data must be kept on the internet gaming platform with open support for backups and restoration, so that no single failure of any portion of the internet gaming platform would cause the loss or corruption of the data.

(v) Internet Gaming Platform Failure. The internet gaming platform must have sufficient redundancy and modularity so that if any single component or part of a component fails, the functions of the internet gaming platform and the process of auditing those functions can continue with no critical data loss. If 2 or more components are linked, the process of all internet gaming operations between the components must not be adversely affected by restart or recovery of either component and upon restart or recovery, the components must immediately synchronize the status of all transactions, data, and configurations with one another.

(vi) Accounting and Master Resets. The internet gaming operator or internet gaming platform provider must be able to identify and properly handle the situation where a master reset has occurred on any component that affects internet gaming under the act.

(vii) Recovery Requirements. If there is a catastrophic failure when the internet gaming platform cannot be restarted in any other way, it must be possible to restore the internet gaming platform from the last backup point and fully recover. The contents of that backup must contain critical information as required by the board.

(viii) Uninterrupted Power Supply (UPS) Support. All internet gaming platform components must be provided with adequate primary power. If the server is a stand-alone application, it

must have a UPS connected and must have sufficient capacity to permit a methodical shut-down that retains all individual and authorized participant data and wagering data during a power loss. It is acceptable that the internet gaming platform may be a component of a network that is supported by a network-wide UPS if the server is included as a device protected by the UPS. There must be a surge protection system in use if not incorporated into the UPS itself.

(ix) Business Continuity and Disaster Recovery Plan. A business continuity and disaster recovery plan must be in place to recover internet gaming operations conducted under the act if the internet gaming platform's production environment is rendered inoperable.

(c) Technical security standards addressing communications include, but are not limited to, all of the following:

(i) Connectivity. Only authorized devices are permitted to establish communications between any internet gaming platform components.

(ii) Communication Protocol. Each component of the internet gaming platform must function as indicated by a documented secure communication protocol.

(iii) Communication Over Internet/Public Network. Communications between internet gaming platform components must be secure. Individual and authorized participant data, sensitive information, internet wagers, results, financial information, and individual and authorized participant transaction information related to internet gaming conducted under the act must always be encrypted and protected from incomplete transmissions, misrouting, unauthorized message modification, disclosure, duplication, or replay.

(iv) Wireless Local Area Network (WLAN) Communications. The use of WLAN communications must adhere to applicable requirements specified for wireless devices and is subject to approval by the board.

(v) Network Security Management. Networks must be logically separated to ensure that there is no network traffic on a network link that cannot be serviced by hosts on that link.

(vi) Mobile Computing and Communications. Formal policies shall be in place, and appropriate security measures shall be adopted to protect against the risk of using mobile computing and communication facilities. Telecommuting shall not be permitted except under circumstances where the security of the endpoint can be guaranteed.

(d) Technical security standards addressing third party service providers include, but are not limited to, all of the following:

(i) Third-Party Service Communications. Where communications related to internet gaming conducted under the act are implemented with third-party service providers, the internet gaming platform must securely communicate with all third-party service providers utilizing encryption and strong authentication, ensure that all login events are recorded to an audit file, and ensure that all communications do not interfere or degrade normal internet gaming platform functions.

(ii) Third-Party Services. The roles and responsibilities of each third-party service provider engaged by the internet gaming operator or internet gaming platform provider must be defined and documented in a manner approved by the board. The internet gaming operator or internet gaming platform provider must have policies and procedures in place for managing third-party service providers and monitoring their adherence to relevant security requirements.

(e) Technical security standards addressing technical controls include, but are not limited to, all of the following:

(i) Domain Name Service (DNS) Requirements. An internet gaming operator or internet gaming platform provider must establish requirements that apply to servers used to resolve

DNS queries used in association with the internet gaming platform.

(ii) Cryptographic Controls. An internet gaming operator or internet gaming platform provider must establish and implement a policy for the use of cryptographic controls that ensures the protection of information.

(iii) Encryption Key Management. The management of encryption keys must follow defined processes established by the internet gaming operator or internet gaming platform provider and approved by the board.

(f) The technical security standards addressing remote access and firewalls include, but are not limited to, all of the following:

(i) Remote Access Security. Remote access, if approved by the board, must be performed via a secured method, must have the option to be disabled, may accept only the remote connections permissible by the firewall application and internet gaming platform settings, and must be limited to only the application functions necessary for users to perform their job duties.

(ii) Remote Access and Guest Accounts Procedures. Remote access and guest accounts procedures must be established that ensure that remote access is strictly controlled.

(iii) Remote Access Activity Log. The remote access application must maintain an activity log that updates automatically and records and maintains all remote access information.

(iv) Firewalls. All communications, including remote access, must pass through at least 1 approved application-level firewall. This includes connections to and from any non-internet gaming platform hosts used by the internet gaming operator or internet gaming platform provider.

(v) Firewall Audit Logs. The firewall application must maintain an audit log and must disable all communications and generate an error if the audit log becomes full. The audit log must contain, at a minimum, all the following information:

(A) All changes to configuration of the firewall.

(B) All successful and unsuccessful connection attempts through the firewall.

(C) The source and destination IP Addresses, Port Numbers, Protocols, and, where possible, MAC Addresses.

(vi) Firewall Rules Review. The firewall rules must be periodically reviewed by the internet gaming operator or internet gaming platform provider to verify the operating condition of the firewall and the effectiveness of its security configuration and rule sets and must be performed on all the perimeter firewalls and the internal firewalls.

(g) Technical security standards addressing change management include, but are not limited to, all of the following:

(i) Program Change Control Procedures. Program change control procedures must ensure that only authorized versions of programs are implemented on the production environment.

(ii) Software Development Life Cycle. The acquisition and development of new software must follow defined processes established by the internet gaming operator or internet gaming platform provider and subject to review by the board.

(iii) Patches. All patches should be tested, as applicable, in a development and test environment configured to match the target production environment before being deployed into production. Permitted exceptions and related procedures and controls must be fully addressed.

(h) Technical security standards addressing periodic security testing include, but are not limited to, all of the following:

(i) Technical Security Testing. Periodic technical security tests on the production environment must be performed quarterly or as required by the board to guarantee that no vulnerabilities

putting at risk the security and operation of the internet gaming platform exist.

(ii) Vulnerability Assessment. The internet gaming operator or the internet gaming platform provider must conduct vulnerability assessments. The purpose of the vulnerability assessment is to identify vulnerabilities, which could be later exploited during penetration testing by making basic queries relating to services running on the internet gaming platform concerned.

(iii) Penetration Testing. The internet gaming operator or the internet gaming platform provider must conduct penetration testing. The purpose of the penetration testing is to exploit any weaknesses uncovered during the vulnerability assessment on any publicly exposed applications or internet gaming platform hosting applications processing, transmitting, or storing sensitive information.

(iv) Information Security Management System (ISMS) Audit. An audit of the ISMS will be periodically conducted, including all the locations where sensitive information is accessed, processed, transmitted, or stored. The ISMS will be reviewed against common information security principles in relation to confidentiality, integrity, and availability.

(v) Cloud Service Audit. An internet gaming operator and its internet gaming platform provider that utilizes a cloud service provider (CSP), if approved by the board, to store, transmit, or process sensitive information must undergo a specific audit as required by the board. The CSP must be reviewed against common information security principles in relation to the provision and use of cloud services, such as ISO/IEC 27017 and ISO/IEC 27018, or equivalent.

(3) The internet gaming operator or its internet gaming platform provider, or both must include the technical security standards (controls) in the internal controls and internet gaming platform submitted to the board for approval.

(4) The technical security standards (controls) must:

(a) Have a provision requiring review when changes occur to the internet gaming platform.

(b) Be approved by the internet gaming operator's or internet gaming platform provider's senior management.

(c) Be communicated to all affected employees and relevant external parties.

(d) Undergo review at planned intervals.

(e) Delineate the responsibilities of the internet gaming operator's staff, the internet gaming platform provider's staff, and the staff of any third parties for the operation, service, and maintenance of the internet gaming platform or its components, or both.

R 432.639a Test accounts.

Rule 639a. (1) An internet gaming operator or internet gaming platform provider may establish test accounts to be used to test the various components and operation of an internet gaming platform pursuant to internal controls adopted by the internet gaming operator or internet gaming platform provider, which, at a minimum, must address all or the following:

(a) The procedures for issuing funds used for testing, including the identification of who may issue the funds and the maximum amount of funds that may be issued.

(b) The procedures for assigning each test account for use by only 1 individual. However, an internet gaming operator may establish a specific scenario or instance of a test account that may be shared by multiple users if each user's activities are separately logged.

(c) The maintenance of a record for all test accounts, to include when they are active, to whom they are issued, and the employer of the individual to whom they are issued.

(d) The procedures for auditing testing activity by the internet gaming operator or internet gaming platform provider to ensure the accountability of funds used for testing and proper adjustments

to gross receipts.

(e)The procedures for authorizing and auditing out-of-state test activity.

(2) Peer-to-peer games may be tested by a user with multiple test accounts if authorized participants are not involved in game play.

R 432.639b Live games.

Rule 639b. (1) An internet gaming operator or its internet gaming platform provider must obtain written board approval to conduct live games or other similar type games. Unless otherwise approved by the board in writing, the live game environment used to conduct live games or similar games must be located in this state in a location approved by the board.

(2) The live game service provider may be an internet gaming operator, internet gaming platform provider, or an internet gaming supplier if approved by the board . The live game service provider, shall adopt, implement, and maintain all technical standards adopted in R 432.633(2) including the live game service provider requirements contained in Appendix C.6 of the referenced technical standards

R 432.639c Progressive jackpots.

Rule 639c. (1) An internet gaming operator or its internet gaming platform provider may offer a progressive jackpot that increases uniformly in value as the internet game is played based upon an approved rate of progression and is awarded for a specific outcome or event.

(2) The rules governing the award and the value of the progressive award must be readily available to individuals and authorized participants.

(3) An internet gaming operator or its internet gaming platform provider must obtain approval from the board in the form and manner prescribed by the board before offering, modifying, or transferring a progressive jackpot on software approved by the board under these rules.

(4) Two or more linked internet games offering the same progressive jackpot may be of different denominations or have different minimum internet wagers required to win the progressive jackpot, or both, if the probability of winning the progressive jackpot is directly proportional to the minimum internet wager required to win that jackpot. For example, if on the same link, a nickel game requires 20 credits (a $1.00 wager), a quarter game requires 8 credits (a $2.00 wager), and a dollar game requires 3 credits (a $3.00 wager) to win the progressive jackpot, the probability of a winning internet wager must be 3 times more likely on a linked dollar game than on the linked nickel game, and twice as likely on a linked quarter game than on the linked nickel game. Similarly, if among 3 linked quarter denomination games, the first required 2 credits (a 50 cent wager), the second required 4 credits (a $1.00 wager), and the third required 8 credits (a $2.00 wager) to play for the progressive jackpot, on each wager, the probability of winning the jackpot would be twice as likely on the second game than on the first game, and 4 times more likely on the third game than on the first game.

(5) The internet gaming operator or its internet gaming platform provider, or both must ensure that progressive jackpot awards that have a reset amount greater than $5,000.00 are reconciled at least once a month in accordance with approved internal controls unless otherwise required by the board.

(6) An internet gaming operator or its internet gaming platform provider, or both must maintain a detailed record of the monthly reconciliation. An internet gaming operator or its internet gaming platform provider, or both must also reconcile a progressive jackpot before a transfer or modification.

(7) The internet gaming operator or its internet gaming platform provider, or both must investigate the reason for any progressive amount variance exceeding $100.00 and file an incident report with the board that must include corrective actions proposed or taken to resolve the variance.

(8) An internet gaming operator or its internet gaming platform provider, or both must remove or make the progressive game unavailable to individuals and authorized participants for all occurrences in which a game malfunctions or if otherwise required by the board.
(9) The internet gaming operator or its internet gaming platform provider, or both that chooses to restore a progressive jackpot previously made unavailable pursuant to this rule, must restore the entire progressive jackpot amount. The amount restored must include the entire jackpot, including the seed amount and all previously collected authorized participant contributions.
(10) An internet gaming operator may remove or transfer a progressive jackpot upon obtaining board approval as provided for in this rule and after notification to individuals and authorized participants, which notification must be given not less than 10 days before a transfer or not less than 30 days before a removal.
(11) If a wide area progressive offered on the internet is removed, it must be restored or transferred by the internet gaming platform provider or internet gaming supplier as applicable. The amount restored or transferred must include the entire jackpot, including the seed amount and all previously collected authorized participant contributions.

R 432.639d Internet gaming networks.
Rule 639d. (1) With the approval of the board, 1 or more internet gaming operators may participate in an internet gaming network as set forth in a written agreement that has been executed by each internet gaming operator. The agreement must include all provisions required by the board.
(2) Each party to an agreement for an internet gaming network must be jointly and severally liable for acts, omissions, and violations of the act or these rules.

PART 4. AUTHORIZED PARTICIPANT INTERNET WAGERS

R 432.641 Authorized participant complaints.
Rule 641. (1) An internet gaming operator or internet gaming platform provider must include on its internet gaming platform a clear mechanism to advise authorized participants of their right to make a complaint against the internet gaming operator, the internet gaming platform provider, or another authorized participant (when collusion is suspected or when an authorized participant is disruptive or abusive), including information explaining how complaints can be filed, how complaints are resolved, and how the authorized participant may submit a complaint to the board.
(2) An internet gaming operator or internet gaming platform provider must attempt to resolve all complaints with the authorized participant.
(3) An internet gaming operator or internet gaming platform provider must investigate each complaint and provide a response to the authorized participant within 10 calendar days after receipt of the complaint.
(4) In its response, the internet gaming operator or internet gaming platform provider must advise the authorized participant of his or her right to submit the complaint to the board in the form and manner prescribed by the board.
(5) The complaint and the internet gaming operator's or internet gaming platform provider's response must be made in writing.
(6) Unless otherwise directed by the board, for complaints related to internet wagering accounts, game outcomes, or illegal activity related to internet gaming that cannot be resolved to the satisfaction of the authorized participant, the internet gaming operator or internet gaming platform provider must

promptly notify the board of the complaint and the internet gaming operator's or internet gaming platform provider's response.

(7) On receipt of a complaint from an authorized participant or notification of an unresolved complaint from an internet gaming operator or internet gaming platform provider, the board may conduct any investigation the board considers necessary and may direct an internet gaming operator or internet gaming platform provider to take any corrective action the board considers appropriate.

(8) An internet gaming operator or internet gaming platform provider must maintain records related to authorized participant complaints for a minimum of 5 years and must provide the records to the board on request.

R 432.642 Bank secrecy act compliance.

Rule 642. (1) An internet gaming operator or internet gaming platform provider must comply with all provisions of the bank secrecy act of 1970, 31 USC 5311 to 5332, applicable to the internet gaming operator's or internet gaming platform provider's internet gaming operation.

(2) An internet gaming operator or internet gaming platform provider must, with regard to its internet gaming operation, maintain records related to its compliance with the bank secrecy act of 1970, 31 USC 5311 to 5332, including all currency transaction reports, suspicious activity reports, and any supporting documentation, for a minimum of 5 years. The internet gaming operator or internet gaming platform provider must provide the records to the board and any appropriate law enforcement agencies on request consistent with the authorization prescribed in the bank secrecy act of 1970, 31 USC 5311 to 5332, and applicable regulations.

(3) An internet gaming operator or internet gaming platform provider must provide a written notice to the board as soon as the internet gaming operator or internet gaming platform provider becomes aware of a compliance review that is conducted by the Internal Revenue Service under the bank secrecy act of 1970, 31 USC 5311 to 5332, and involves or impacts the internet gaming operator's or internet gaming platform provider's internet gaming operation. The internet gaming operator or internet gaming platform provider must provide a copy of the compliance review report or the equivalent to the board within 10 days after the receipt of the report by the internet gaming operator or internet gaming platform provider.

R 432.643 Integrity monitoring/suspicious behavior.

Rule 643. (1) An internet gaming operator or internet gaming platform provider must employ personnel responsible for ensuring the operation and integrity of internet gaming and reviewing all reports of suspicious behavior. Unless otherwise directed by the board, an internet gaming operator or internet gaming platform provider must immediately notify the board upon detecting or becoming aware of any of the following:

(a) Any person participating in internet wagering who is engaging in or attempting to engage in, or who is reasonably suspected of, cheating, theft, embezzlement, collusion, use of funds derived from illegal activity, money laundering, or any other illegal activities, including those activities prohibited in section 13 of the act, MCL 432.313.

(b) Any person who is reasonably suspected of misrepresenting their identity or using false identification to establish or attempt to establish an internet wagering account.

(c) Suspected criminal activity related to any aspect of internet gaming.

(d) Any criminal or disciplinary proceedings commenced against the internet gaming operator or internet gaming platform provider in connection with its internet gaming.

(e) Any suspicious internet wagering activity or patterns that indicate a concern regarding the integrity of an internet game or internet wagering.

(f) Any other conduct that corrupts the outcome of an internet game or internet wager.

(g) Any internet wagers that violate any applicable state or federal law.

(2) An internet gaming platform provider must promptly notify any affected internet gaming operators on behalf of which it accepts internet wagers of any issues impacting the integrity of internet gaming.

(3) The board may require an internet gaming operator or internet gaming platform provider to provide any hardware or software necessary to the board, or to an independent lab approved by the board, for evaluation of its internet gaming offering or to conduct further monitoring of data provided by its internet gaming platform.

(4) An internet gaming operator or internet gaming platform provider must maintain records demonstrating its compliance with this rule, including all reports of suspicious behavior and any supporting documentation, for a minimum of 5 years and must provide the records to the board on request.

R 432.644 Reserve requirement.

Rule 644. (1) An internet gaming operator or internet gaming platform provider must maintain a reserve in the amount necessary to ensure the security of funds held in internet wagering accounts. The reserve must be in the form of:

(a) Cash or cash equivalents maintained in a U.S. bank account segregated from the internet gaming operator's or internet gaming platform provider's operational funds.

(b) An irrevocable letter of credit.

(c) A bond.

(d) Any other form acceptable to the board.

(e) Any combination of the allowable forms described in subdivisions (a) to (d) of this subrule.

(2) The reserve must be not less than the sum of the following:

(a) The daily ending cashable balance of all authorized participants' internet wagering accounts.

(b) Pending withdrawals.

(c) The sum of all pending internet wagers, funds transferred to an internet game not yet wagered, and pending wins.

(3) Funds held in internet wagering accounts must not be automatically transferred by an internet gaming operator or internet gaming platform provider. An internet gaming operator or internet gaming platform provider must not require an authorized participant to transfer funds from his or her internet wagering account, in order to circumvent this rule.

(4) Amounts available to authorized participants for play that are not redeemable for cash may be excluded from the reserve computation.

(5) On request, the board may allow an internet gaming operator or internet gaming platform provider to combine the reserve for all of its Michigan internet gaming, or all of its Michigan internet sports betting conducted under the lawful sports betting act, 2019 PA 149, MCL 432.401 to 432.419, or both.

(6) An internet gaming operator or internet gaming platform provider must have access to all internet wagering account and transaction data to ensure the amount of its reserve is sufficient. Unless otherwise directed by the board, an internet gaming operator or internet gaming platform provider must file a monthly attestation with the board, in the form and manner prescribed by the board, that funds have been safeguarded under this rule.

(7) The board may audit an internet gaming operator's or internet gaming platform provider's reserve at any time and may direct an internet gaming operator or internet gaming platform provider to take any action necessary to ensure the purposes of this rule are achieved, including but not limited to requiring the internet gaming operator or internet gaming platform provider to modify the form of its reserve or increase the amount of its reserve.

R 432.645 Voiding of internet wagers.

Rule 645. An internet gaming operator or internet gaming platform provider may not void a completed internet wager without board approval unless a void is necessary to resolve an internet gaming platform or internet game error or malfunction.

R 432.647 Negative internet wagering account balance prohibited.

Rule 647. An internet gaming platform must employ a mechanism that can detect and prevent any internet wagering or withdrawal activity initiated by an authorized participant that would result in a negative balance of the internet wagering account.

R 432.648 Minimum and maximum internet wager.

Rule 648. Unless otherwise prescribed by the board, there must be no limitation as to the minimum or maximum internet wager an internet gaming operator or internet gaming platform provider may accept. This rule does not preclude an internet gaming operator or internet gaming platform provider from establishing its own minimum or maximum internet wagers or limiting an authorized participant's internet wager for reasons considered necessary or appropriate by the internet gaming operator or internet gaming platform provider.

R 432.649 Tournaments/contests and bonus and promotional wagering.

Rule 649. (1) An internet gaming operator or internet gaming platform provider may conduct an internet gaming tournament or contest on an authorized game subject to all of the following:

(a) No internet gaming tournament or contest will be conducted unless the internet gaming operator or internet gaming platform provider, before the first time a tournament or contest type is offered, files written notice with the board of its intent to offer that tournament or contest type. The internet gaming operator or internet gaming platform provider may file a master tournament list with the board to satisfy this requirement.

(b) Each internet gaming operator or internet gaming platform provider must maintain a record of each tournament or contest type it offers, which must address, at a minimum, all of the following:

(i) Internet game type (for example, hold 'em poker).

(ii) Rules concerning tournament or contest play and participation.

(iii) Entry fee amount or amounts per participant.

(iv) Funding source amount or amounts comprising the prize pool (for example, buy-ins, re-buys, or add-ons).

(v) Prize structure on payout.

(vi) Methodology for determining winner or winners.

(2) An internet gaming operator or internet gaming platform provider may conduct internet gaming bonus and promotional wagering offers subject to all of the following:

(a) An internet gaming operator or internet gaming platform provider must maintain a record of all bonus and promotional wagering offers related to internet gaming in an electronic file that is readily available to the board.

(b) All bonus and promotional wagering offers must be stated in clear and unambiguous terms and must be accessible by the authorized participant after the offer is accepted and before completion.

(c) Offer terms and the record of all offers must include all of the following at a minimum:

(i) The date and time the offer is active and expires.

(ii) Authorized participant eligibility, including any limitations on participation.

(iii) Any restriction on withdrawals of funds.

(iv) Wagering requirements and limitations by type of internet game.
(v) The order in which funds are used for internet wagers.
(vi) Eligible internet games.
(vii) Rules regarding cancellation.

(3) An internet gaming platform or internet gaming platform provider must provide a clear and conspicuous method for an authorized participant to cancel his or her participation in a bonus or promotional wagering offer that utilizes restricted gaming credits that cannot be cashed out until a wagering requirement or other restrictions associated with the credits is met. If an authorized participant elects to proceed with cancellation, unrestricted funds remaining in an internet wagering account must be returned according to the terms and conditions.

(4) Once an authorized participant has met the terms of a bonus or promotional wagering offer, an internet gaming operator or internet gaming platform provider must not limit winnings earned while participating in the offer.

(5) Internet gaming operators or internet gaming platform providers may utilize celebrity authorized participants or other authorized participants to participate in peer-to-peer games for advertising or publicity purposes. Such authorized participants may have their internet wagering account funded in whole or in part by an internet gaming operator or internet gaming platform provider.

(6) An internet gaming operator or internet gaming platform provider may pay a fee to the celebrity authorized participant. If a celebrity authorized participant is utilized and the celebrity authorized participant generates winnings that the internet gaming operator or internet gaming platform provider does not permit the celebrity authorized participant to retain, the winnings must be included in gross receipts in a manner approved by the board.

PART 5. INTERNET WAGERING ACCOUNTS

R 432.651 Single wagering account in use for internet wagering.

Rule 651. (1) An internet gaming operator or internet gaming platform provider shall limit each authorized participant to one internet wagering account and username. Each internet wagering account must be all of the following:

(a) Non-transferable.
(b) Unique to the authorized participant who establishes the internet wagering account.
(c) Distinct from any other account number that the authorized participant may have established with the internet gaming operator or internet gaming platform provider except as set forth in subrule (2).

(2) An internet wagering account must be separate and distinct from an internet sports betting account established under the lawful sports betting act, 2019 PA 149, MCL 432.401 to MCL 432.419. Notwithstanding the foregoing, an internet wagering account may be integrated with an internet sports betting account, subject to all of the following conditions:

(c) Internet gaming transactions must be identified, recorded, accounted for, and reported separately and distinctly from internet sports betting transactions conducted under the lawful sports betting act, 2019 PA 149, MCL 432.401 to MCL 432.419.
(d) An internet gaming operator or internet gaming platform provider must comply with all applicable provisions of the act and these rules and any other conditions considered appropriate by the board.

(3) An internet gaming operator or internet gaming platform provider must implement internal controls and publish procedures to terminate all accounts of any individual who establishes or seeks to establish multiple active internet wagering accounts, whether directly or by use of another individual as a proxy.

R 432.651a Age and identity verification.

Rule 651a. (1) An internet gaming operator or internet gaming platform provider must verify an individual's identity before allowing that individual to create an internet wagering account and place an internet wager.

(2) Only an individual who is 21 years of age or older and not a prohibited person may create an internet wagering account, deposit funds, or participate in internet wagering. The internet gaming operator or internet gaming platform provider must deny the ability to create an internet wagering account, deposit funds, or participate in internet wagering to any individual who is under 21 years of age or is a prohibited person. This subrule shall not be construed to prevent an individual from creating an internet gaming account and depositing funds to such an account even if they are prohibited from placing certain wagers.

(3) An internet gaming operator or internet gaming platform provider must use commercially available and demonstrable standards to confirm that an individual attempting to create an internet wagering account is not a prohibited person.

(4) Third-party service providers may be used for age and identity verification of individuals attempting to create internet wagering accounts.

R 432.651b Data security of age and identity verification information.

Rule 651b. Details of the age and identity verification process must be kept by the internet gaming operator or internet gaming platform provider in a secure manner approved by the board.

R 432.651c Handling of internet wagering accounts found to be used in fraudulent manner.

Rule 651c. An internet gaming operator or internet gaming platform provider must have a documented system of internal controls for the handling of authorized participants or other individuals discovered to be using internet wagering accounts in a fraudulent manner, including, but not limited to the following:

(a) The maintenance of information about any authorized participant's activity or other individual's activity, such that if fraudulent activity is detected, the internet gaming operator or internet gaming platform provider and the board have all of the necessary information to take appropriate action.

(b) The suspension of any internet wagering account discovered to be providing fraudulent access to prohibited persons.

(c) The treatment of deposits, internet wagers, and wins associated with a prohibited person's fraudulent use of an account and the confiscation of any winnings and things of value of a prohibited person in accordance with part 7 of these rules.

R 432.652 Terms and conditions for internet wagering accounts.

Rule 652. (1) All terms and conditions for internet wagering accounts must be included in the internal controls of the internet gaming operator or internet gaming platform provider and address all aspects of the internet wagering, including, but not limited to all of the following:

(a) Name of the party or parties with whom the individual is entering into a contractual relationship, including any licensee.

(b) Individual's consent to have the internet gaming operator or internet gaming platform provider confirm the individual's age and identity.

(c) Rules and obligations applicable to the authorized participant including, but not limited to, all of the following:
(i) Prohibition from allowing any other individual to access or use his or her internet wagering account.
(ii) Prohibition from engaging in internet wagering activity unless physically present in Michigan or another jurisdiction authorized under a multijurisdictional internet gaming agreement entered into in accordance with the act.
(iii) Prohibition from placing an internet wager while physically present in another jurisdiction on an internet game not authorized by the act and a multijurisdictional internet gaming agreement.
(iv) Consent to the monitoring and recording by the internet gaming operator, internet gaming platform provider, or the board, or all 3 of any internet wagering communications and geographic location information.
(v) Consent to the jurisdiction of this state to resolve any disputes arising out of internet wagering.
(vi) Prohibition against utilizing automated computerized software or other equivalent mechanism, such as a "bot," to engage in play.
(d) Full explanation of all fees and charges imposed upon an authorized participant related to internet wagering transactions.
(e) Availability of internet wagering account statements detailing the authorized participant's internet wagering account activity.
(f) Privacy policies, including information access.
(g) Legal age policy, including a statement that it is a criminal offense to allow an individual who is under the age of 21 to participate in internet wagering.
(h) Full explanation of all rules applicable to dormant internet wagering accounts.
(i) Authorized participant's right to set responsible gaming limits and to self-exclude.
(j) Authorized participant's right to suspend his or her internet wagering account for a period of no less than 72 hours.
(k) Actions that will be taken if an authorized participant becomes disconnected from the internet gaming platform during game play.
(l) Notice that a malfunction voids all pays.
(m) Estimated time period for withdrawal of funds from an internet wagering account.

(2) If the internet gaming terms and conditions are changed, the internet gaming operator or internet gaming platform provider shall require the authorized participant to acknowledge acceptance of the change. Unless otherwise authorized by the board, the authorized participant's acknowledgement must be date and time stamped by the internet gaming platform.

R 432.653 Authorized participant protections.

Rule 653. (1) An internet gaming operator or internet gaming platform provider must provide an authorized participant protection information page that must be readily accessible to each authorized participant. The authorized participant protection page must be accessible to an authorized participant throughout an authorized participant session. The authorized participant protection page must contain, at a minimum, all of the following:

(a) Method for changing or retrieving a password or other approved access security feature and the ability to choose "strong authentication" login protection.
(b) Method for filing a complaint with the internet gaming operator or internet gaming platform provider.

(c) Method for filing with the board an unresolved complaint after all reasonable means to resolve the complaint with the internet gaming operator or internet gaming platform provider have been exhausted utilizing forms and in the manner prescribed by the board.
(d) Method for obtaining a copy of the internet wagering terms and conditions agreed to when establishing an internet wagering account.
(e) Method for the authorized participant to obtain his or her internet wagering account and game history from the internet gaming operator or internet gaming platform provider.
(f) Notification that underage gambling is a criminal offense and that anyone who facilitates an individual under the age of 21 to place an internet wager has committed a criminal offense and must be prohibited from internet gaming.
(g) Notification that the authorized participant is responsible for configuring his or her terminal's auto-lock feature to protect the terminal from unauthorized use.
(h) Notification that an authorized participant is prohibited from allowing any other individual to access or use his or her internet wagering account.
(i) Information about potential risks associated with excessive participation in internet wagering, and where to get help related to gaming responsibly.
(j) A list of the available authorized participant protection measures that can be invoked by the authorized participant, such as self-imposed limits, and information on how to invoke those measures.
(k) Mechanisms in place for authorized participants to detect unauthorized use of their internet wagering account, such as the authorized participant reviewing credit card statements against known deposits.
(l) Other authorized participant protections authorized by the board.

(2) Authorized participants must be provided with an easy and obvious method to impose limitations for internet wagering parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:
(a) Upon receiving any self-imposed limitation order, the internet gaming operator or internet gaming platform provider must ensure that all specified limits are correctly implemented immediately or at the time that was clearly indicated to the authorized participant.
(b) The self-imposed limitations set by an authorized participant must not override more restrictive internet gaming operator or internet gaming platform provider-imposed limitations. The more restrictive limitations must take priority.
(c) Once established by an authorized participant and implemented by the internet gaming platform, it must only be possible to reduce the severity of self-imposed limitations upon 24 hours' notice, or as required by the board.
(d) Self-imposed limitations must not be compromised by internal status events, such as self-imposed exclusion.

(3) The self-imposed limitations must be available to the authorized participant immediately after the internet wagering account is created, when placing a deposit into his or her internet wagering account, and upon logging into his or her internet wagering account.

R 432.654 Responsible gaming.

Rule 654. Each internet gaming operator's website or internet gaming platform must display a responsible gaming logo in a manner approved by the board to direct an authorized participant to the internet gaming operator's website or internet gaming platform responsible gaming page. The responsible gaming page must be accessible to an authorized participant during an authorized participant session and must contain, but is not limited to, the following:

(a) A prominent message, that states "If you or someone you know has a gambling problem and wants help, call the Michigan Department of Health and Human Services Gambling Disorder Help-line at: 800-270-7117".
(b) A direct link to the Michigan Gaming Control Board Compulsive/Problem Gambling website (https://www.michigan.gov/mgcb/0,4620,7-351-79256-231582--,00.html) and other organizations based in the United States dedicated to helping people with potential gambling problems.
(c) A clear statement of the internet gaming operator's or internet gaming platform provider's policy and commitment to responsible gaming.
(d) Other responsible gaming measures required by the board.

R 432.655 Internet wagering account requirements.

Rule 655. To establish an internet wagering account, an internet gaming operator or internet gaming platform provider must do all of the following:

(a) Create an electronic authorized participant file, which must, at a minimum, include the following:
(i) The authorized participant's legal name.
(ii) The authorized participant's date of birth.
(iii) The authorized participant's Social Security number, or the last 4 digits of the Social Security number, or an equivalent identification number for a noncitizen authorized participant, such as a passport or taxpayer identification number.
(iv) The authorized participant's internet wagering account number or username.
(v) The authorized participant's residential address. A post office box is not acceptable.
(vi) The authorized participant's electronic mail address.
(vii) The authorized participant's telephone number.
(viii) Any other information collected from the authorized participant used to verify his or her identity.
(ix) The method used to verify the authorized participant's identity.
(x) The date of verification.

(b) Encrypt all of the following information contained in an electronic authorized participant file:
(i) Any portion of the authorized participant's Social Security number or equivalent identification number for a noncitizen authorized participant, such as a passport or taxpayer identification number.
(ii) The authorized participant's passwords and PINs.
(iii) The authorized participant's personal financial information.

(c) Verify the authorized participant's age and identity and record the date of verification in accordance with any of the following:
(i) Reliable forms of personal identification specified in the internet gaming operator's or internet gaming platform provider's internal controls.
(ii) Other methodology for remote multi-source authentication, which may include third-party and governmental databases, as approved by the board.

(d) Record the document number of the government issued identification credential examined, if applicable. If a government issued identification credential is not required for registration, the electronic record that details the process used to confirm the authorized participant's identity must be recorded.

(e) Require the authorized participant to establish a password or other access security feature as approved by the board and advise the authorized participant to utilize strong authentication login protection.

(f) Record the authorized participant's acceptance of the internet gaming operator's or internet gaming platform provider's internet wagering terms and conditions to participate in internet gaming through the internet gaming operator's or internet gaming platform provider's website.

(g) Record the authorized participant's certification that the information provided to the internet gaming operator or internet gaming platform provider is accurate.
(h) Record the authorized participant's acknowledgment that the legal age for internet wagering is 21, and that he or she is prohibited from allowing any other individual to access or use his or her internet wagering account.
(i) Notify the authorized participant of the establishment of the account via electronic mail.

R 432.655a Internet wagering account funding.
Rule 655a. An authorized participant's internet wagering account may be funded through the use of any of the following:
(a) An authorized participant's credit or debit card.
(b) An authorized participant's deposit of cash or cash equivalent at a cashiering location approved by the board.
(c) An authorized participant's reloadable prepaid card, which has been verified as being issued to the authorized participant and is non-transferable.
(d) Promotional credit.
(e) Winnings.
(f) Adjustments made by the internet gaming operator or internet gaming platform provider with documented notification to the authorized participant.
(g) ACH transfer, provided that the internet gaming operator or internet gaming platform provider has security measures and controls to prevent ACH fraud regarding failed ACH deposits.
(h) Wire transfer.
(i) Any other means approved by the board.

R 432.655b Failed ACH deposits.
Rule 655b. A failed ACH deposit attempt is not considered fraudulent if the authorized participant has successfully deposited funds via an ACH transfer on a previous occasion with no outstanding chargebacks. Otherwise, the internet gaming operator or internet gaming platform provider shall do all of the following:
(a) Temporarily block the authorized participant's internet wagering account for investigation of fraud after 5 consecutive failed ACH deposit attempts within a 10-minute period. If there is no evidence of fraud, the block may be vacated.
(b) Suspend the authorized participant's internet wagering account after 5 additional consecutive failed ACH deposit attempts within a 10-minute period.

R 432.655c Transfer of funds prohibited.
Rule 655c. An internet gaming operator or internet gaming platform provider must not permit an authorized participant to transfer funds from one authorized participant's internet wagering account to another authorized participant's internet wagering account or any other wagering account belonging to another authorized participant.

R 432.655d Authorized participant account withdrawal.
Rule 655d. (1) An authorized participant must be allowed to withdraw the funds maintained in his or her internet wagering account, whether the account is open or closed, except as otherwise provided in these rules, or any other applicable state or federal law.
(2) An internet gaming operator or internet gaming platform provider must honor the authorized participant's request to withdraw funds within 10 business days after the request, unless the conditions set forth in subrule (3) of this rule are met.

(3) The internet gaming operator or internet gaming platform provider may decline to honor an authorized participant's request to withdraw funds only if the internet gaming operator or internet gaming platform provider believes in good faith that the authorized participant engaged in either fraudulent conduct or other conduct that would put the internet gaming operator or internet gaming platform provider in violation of the act and these rules. In such cases, the internet gaming operator or internet gaming platform provider must do all of the following:

(a) Provide notice to the authorized participant of the nature of the investigation of the internet wagering account.

(b) Conduct its investigation in a reasonable and expedient fashion, providing the authorized participant additional written notice of the status of the investigation every tenth business day starting from the day the original notice was provided to the authorized participant.

(4) For purposes of this rule, a request for withdrawal is considered honored if it is processed by the internet gaming operator or internet gaming platform provider notwithstanding a delay by a payment processor, credit card issuer, or the custodian of a financial account.

R 432.655e Internet wagering account review requirements.

Rule 655e. All adjustments to internet wagering accounts for amounts of $500.00 or less must be periodically reviewed by supervisory personnel as set forth in the internet gaming operator's or internet gaming platform provider's internal controls. All other adjustments must be authorized by supervisory personnel before being entered.

R 432.656 Internet wagering account information.

Rule 656. (1) An internet gaming platform must provide an account statement with account details to an authorized participant on demand, which must include detailed account activity for at least 6 months. In addition, an internet gaming platform must, upon request, be capable of providing a summary statement of all authorized participant activity during the past 2 years. Information provided on the summary statement must include, but not be limited to, the following:

(a) Deposits to the internet wagering account.

(b) Withdrawals from the internet wagering account.

(c) Win or loss statistics.

(d) Beginning and ending internet wagering account balances.

(e) Self-imposed limit history, if applicable.

(2) An internet gaming operator or internet gaming platform provider must periodically re-verify an authorized participant's identification upon reasonable suspicion that the authorized participant's identification has been compromised.

R 432.657 Internet wagering account closure.

Rule 657. An internet gaming platform must provide a conspicuous and readily accessible method for an authorized participant to close his or her internet wagering account through the account management or similar page or through the internet gaming platform customer support team. Any balance remaining in an internet wagering account closed by an authorized participant shall be refunded pursuant to the internet gaming operator's or internet gaming platform provider's internal controls.

R 432.658 Internet wagering dormant accounts.

Rule 658. An internet gaming operator or internet gaming platform provider shall consider an internet wagering account to be dormant if the authorized participant has not logged into the internet wagering account for at least 3 years. A dormant internet wagering account must be closed by the internet gaming operator or internet gaming platform provider. Any balance remaining in a dormant internet wagering

account must be refunded or escheated in accordance with the internet gaming operator's or internet gaming platform provider's internal controls.

R 432.659 Suspension and restoration of internet wagering accounts.

Rule 659. (1) An internet gaming platform must employ a mechanism that places an internet wagering account in a suspended mode under any of the following conditions:

(a) When requested by the authorized participant for a specified period of time, which must not be less than 72 hours.

(b) When required by the board.

(c) Upon a determination that an authorized participant is a prohibited person.

(d) When initiated by an internet gaming operator or internet gaming platform provider that has evidence that indicates any of the following:

(i) Illegal activity.

(ii) A negative internet wagering account balance.

(iii) A violation of the internet wagering account terms and conditions has taken place on an authorized participant's internet wagering account.

(2) When an internet wagering account is in a suspended mode, the internet gaming platform must do all of the following:

(a) Prevent the authorized participant from internet wagering.

(b) Prevent the authorized participant from depositing funds unless the account is suspended due to having a negative internet wagering account balance but only to the extent the internet wagering account balance is brought back to zero dollars.

(c) Prevent the authorized participant from withdrawing funds from his or her suspended account, unless the suspended mode was initiated by the authorized participant.

(d) Prevent the authorized participant from making changes to his or her internet wagering account.

(e) Prevent the removal of the internet wagering account from the internet gaming platform.

(f) Prominently display to the authorized participant that the internet wagering account is in a suspended mode, the restrictions placed on the internet wagering account, and any further course of action needed to remove the suspended mode.

(3) A suspended account may be restored for any of the following reasons:

(a) Upon expiration of the time period established by the authorized participant.

(b) If authorized by the board.

(c) When the authorized participant is no longer a prohibited person.

(d) When the internet gaming operator or internet gaming platform provider has lifted the suspended status.

PART 6. AUDIT AND INTERNAL CONTROLS

R 432.661 Internal control standards applicability of part.

Rule 661. This part applies to internet gaming operators and internet gaming platform providers.

R 432.662 Purpose.

Rule 662. The procedures of the internal control standards are designed to ensure all of the following:

(a) Assets are safeguarded.

(b) The financial records of the internet gaming operator and internet gaming platform provider are accurate and reliable.

(c) The transactions of the internet gaming operator and internet gaming platform provider are performed only in accordance with the act and these rules.
(d) The transactions are recorded adequately to permit the proper recording of the adjusted gross receipts, fees, and all applicable taxes and payments.
(e) Accountability of assets is maintained pursuant to generally accepted accounting principles.
(f) Only authorized personnel have access to assets.
(g) Internet wagering account balances are complete and accurate, and appropriate action is taken with respect to discrepancies.
(h) Internet wagering accounts and personal identifiable information are adequately protected.
(i) The functions, duties, and responsibilities are appropriately segregated and performed pursuant to sound practices by competent, qualified personnel and that no employee of the internet gaming operator, the internet gaming platform provider, a supplier, a registered vendor, or a third-party provider is in a position to perpetuate and conceal errors or irregularities in the normal course of the employee's duties.
(j) Internet gaming is conducted with integrity and in accordance with the act and these rules.

R 432.663 Board approval of internal control standards and requirements.
Rule 663. (1) Unless otherwise provided for by the board, before beginning internet gaming, an internet gaming operator or internet gaming platform provider, or both, must submit its administrative and accounting procedures in detail in a written system of internal control for board review and written approval. A written system of internal controls must include a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of these rules.
(2) The written system of internal controls must address the following items, at a minimum:
(a) Procedures for responding to a failure of the internet gaming platform (i.e., game, system, communications, or platform malfunction), including procedures for restoring internet gaming. The internet gaming operator or internet gaming platform provider, or both, must also file with the board an incident report for each significant platform failure and document the date, time, and reason for the failure along with the date and time the system is restored.
(b) User access controls for all internet gaming personnel.
(c) Segregation of duties.
(d) Automated and manual risk management procedures.
(e) Procedures for identifying and reporting fraud and suspicious conduct.
(f) Procedures to prevent wagering by prohibited persons.
(g) Procedures for internet gaming operator-imposed or internet gaming platform provider-imposed exclusion of authorized participants, including the following:
(i) Providing a notification containing operator-imposed or internet gaming platform provider-imposed exclusion status and general instructions for resolution.
(ii) Ensuring that immediately upon executing the operator-imposed or internet gaming platform provider-imposed exclusion order, no new wagers or deposits are accepted from the authorized participant, until such time as the operator-imposed or internet gaming platform provider-imposed exclusion has been revoked.
(iii) Ensuring that the authorized participant is not prevented from withdrawing any or all of his or her account balance, if the internet gaming operator or internet gaming platform provider acknowledges that the funds have cleared, and that the reason or reasons for exclusion would not prohibit a withdrawal.
(h) Description of anti-money laundering compliance standards.
(i) Process for submitting or receiving approval of all types of internet games and wagers available.
(j) Description of process for accepting wagers and issuing payouts, plus any additional controls for accepting wagers and issuing payouts in excess of $10,000.00.

(k) Description of process for voiding or cancelling wagers and refunding the authorized participant in accordance with these rules.
(l) Description of process for accepting multiple wagers from one authorized participant in a 24-hour cycle, including process to identify authorized participant structuring of wagers to circumvent recording and reporting requirements.
(m) Procedure for the recording of and reconciliation of internet gaming transactions.
(n) Procedures for issuance and acceptance of promotional funds for internet gaming.
(o) Description of all integrated third-party platforms.
(p) Procedures for identifying and restricting prohibited persons.
(q) Description of process to close out dormant accounts.
(r) Procedures for making adjustments to an internet wagering account, providing a method for an authorized participant to close out an account and how an authorized participant will be refunded after the closure of an account or how funds will be escheated.
(s) Procedures to verify each authorized participant's physical location pursuant to part 3 of these rules.
(t) Procedures for the security and sharing of personal identifiable information of an authorized participant, funds or financial information in an internet wagering account, and other information as required by the board. The procedures must include the means by which an internet gaming operator or internet gaming platform provider, or both, will provide notice to an authorized participant related to the sharing of personal identifiable information.
(u) Detailed responsible gaming measures.
(v) Method for securely implementing the responsible gaming database.
(w) Methods for securely issuing, modifying, and resetting an authorized participant's account password, personal identification number (PIN), or other approved security feature, if applicable. Any method must include notification to the authorized participant following any modification via electronic or regular mail, text message, or other manner approved by the board. Such methods must include, at a minimum, one of the following:
    (i) Proof of identity, if in person.
    (ii) The correct response to 2 or more challenge questions.
    (iii) Strong authentication.
(x) Procedures for receiving, investigating, and responding to all authorized participant complaints.
(y) In detail, the location of the internet gaming servers, including any third-party remote location servers, and what controls will be in place to ensure security of the internet gaming servers.
(z) Technical security standards (controls) required by these rules.
(aa) Procedures for registration of authorized participants and establishing internet wagering accounts, including a procedure for authenticating the age, identity, and physical address of an applicant for an internet wagering account and whether the applicant is prohibited from establishing or maintaining an account under applicable laws or regulations.
(bb) Procedures for terminating an internet wagering account and the return of any funds remaining in the internet wagering account to the authorized participant or confiscation of funds in accordance with these rules.
(cc) Procedures for the logging in and authentication of an authorized participant to enable the authorized participant to commence internet gaming and the logging off of the authorized participant when the authorized participant has completed play, including a procedure to automatically log an authorized participant out of the internet wagering account after a specified period of inactivity.
(dd) Procedures for the crediting and debiting of an internet wagering account.

(ee) Procedures for withdrawing funds from an internet wagering account by the authorized participant.

(ff) Procedures for the protection of an authorized participant's funds, including the segregation of an authorized participant's funds from operating funds of the internet gaming operator or internet gaming platform provider, or both.

(gg) Procedures and security for the calculation and recording of gross receipts, adjusted gross receipts, and winnings.

(hh) Procedures and security standards as to receipt, handling, and storage of internet gaming equipment.

(ii) Procedures and security standards to protect and respond to an individual's suspected or actual hacking of or tampering with the internet gaming operator's or internet gaming platform provider's internet gaming website or internet gaming devices and associated equipment.

(jj) Procedures and appropriate measures implemented to deter, detect, and, to the extent possible, prevent cheating, including collusion, and use of cheating devices, including the use of software programs that make bets according to algorithms.

(kk) Procedures to govern emergencies, including suspected or actual cyber-attacks on, hacking of, or tampering with the internet gaming platform, internet gaming website or internet gaming devices and associated equipment. The procedures must include the process for the reconciliation or repayment of an authorized participant's internet wagering account.

(ll) Policies and procedures in connection with the internal audit function of its internet gaming operations.

(mm) Establishing policies and procedures with respect to credit.

(nn) Any other items considered necessary by the board.

(3) To the extent a third-party is involved in or provides any of the internal controls required in these rules, the internet gaming operator's or internet gaming platform provider's internal controls, or the controls of both of them, must document the roles and responsibilities of the third-party and must include procedures to evaluate the adequacy of and monitor compliance with the third-party's internal control procedures.

R 432.663a Amendments to internal controls.

Rule 663a. Unless otherwise provided by the board, all of the following provisions apply to amendments to the internal control procedures:

(a) Amendments to any portion of the internal control procedures must be submitted to the board for approval. If within 30 days the board has not approved, denied, or otherwise provided written notice, an internet gaming operator or internet gaming platform provider, or both, may implement the amended internal controls as submitted with the board retaining its authority to require further amendment, approval, or denial.

(b) The board may, in writing, approve, deny, or require a revision to the amendment to the internal control procedures. If the internet gaming operator or internet gaming platform provider, is notified of a required revision, the internet gaming operator or internet gaming platform provider must work with the board to address the revision.

(c) If the board requests additional information, clarification, or revision of an amendment to an internal control and the internet gaming operator or internet gaming platform provider, or both, fail to satisfy the request within 30 days after the board request, the board shall consider the amendment denied and it cannot be implemented or, if previously implemented under subdivision (a) of this rule, the internet gaming operator or internet gaming platform provider has 15 days to cease implementation of that amendment. If the internet gaming operator or internet gaming platform provider subsequently wants

to pursue the amendment, it must resubmit the request along with the additional information previously requested by the board.

R 432.663b Emergency procedures.

Rule 663b. (1) In the event of an emergency, the internet gaming operator or internet gaming platform provider, or both, may temporarily amend an internal control procedure. The executive director or his or her designee must be notified that an emergency exists before temporarily amending an internal control procedure.

(2) An internet gaming operator or internet gaming platform provider, or both, must submit the temporary emergency amendment of the internal control procedures to the executive director or his or her designee within 3 days of the amendment. The submission must include the detailed emergency procedures that will be implemented and the time period the emergency procedures will be temporarily in place. Any concerns the board has with the submission must be addressed with the internet gaming operator or internet gaming platform provider, or both.

(3) As soon as the circumstances necessitating the emergency amendment to the internal control procedures abate, an internet gaming operator or internet gaming platform provider, or both, shall resume compliance with the approved internal control procedures.

R 432.663c Failure to comply with requirements.

Rule 663c. If the board determines that the administrative or accounting procedures or written internal control procedures of the internet gaming operator or internet gaming platform, or both, do not comply with the requirements of these rules or require improvement, the board shall notify the internet gaming operator or internet gaming platform provider, or both, in writing. Within 15 days after receiving the notification, the internet gaming operator or internet gaming platform provider must amend its procedures and written internal control procedures accordingly and must submit, for board approval, a copy of the written internal control procedures, as amended, and a description of any other remedial measure taken.

R 432.664 Compliance with internal controls.

Rule 664. (1) Internet gaming operators and internet gaming platform providers must comply with all internal controls.

(2) If an internet gaming operator or internet gaming platform provider fails to comply with any provision of its internal controls, the board may initiate a disciplinary action.

R 432.665 Accounting records.

Rule 665. (1) An internet gaming operator and internet gaming platform provider must maintain complete, accurate, and legible records of all transactions related to their internet gaming, including transactions pertaining to revenues, expenses, assets, liabilities, and equity in conformance with generally accepted accounting principles.

(2) The board may direct an internet gaming operator and internet gaming platform provider to alter the manner in which the records are maintained if the internet gaming operator's and internet gaming platform provider's records are not in accordance with generally accepted accounting principles or if the records are not in sufficient detail.

(3) The accounting records must be maintained using a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed subsidiary records.

(4) The detailed subsidiary records must include, at a minimum, all of the following:

(a) Detailed general ledger accounts identifying all revenue, expenses, assets, liabilities, and equity.

(b) A record of all investments, advances, loans, and accounts receivable balances due the establishment.
(c) A record of all loans and other accounts payable.
(d) A record of all accounts receivable written off as uncollectible.
(e) Journal entries prepared.
(f) Tax work papers used in preparation of any state or federal tax return if applicable.
(g) Records supporting the accumulation of the costs for complimentary services and items. A complimentary service or item provided to individuals in the normal course of an internet gaming business must be recorded in an amount based upon the full retail price normally charged for the service or item or as is otherwise consistent with generally accepted accounting principles.
(h) Records required by the internal control system.
(i) Other records that the board requires to be maintained.

(5) The internet gaming operator and internet gaming platform provider must maintain all records supporting the adjusted gross receipts.

(6)If an internet gaming operator or internet gaming platform provider, or both, fails to maintain the records used by it to calculate the adjusted gross receipts, the board may compute and determine the amount upon the basis of an audit conducted by the board using available information.

R 432.665a Annual audits and annual compliance reports.

Rule 665a. (1) All of the following provisions apply to annual and special audits and other reports:
(a) The board requires an annual audit of the financial condition of the internet gaming operator's and internet gaming platform provider's total internet gaming operations. For an internet gaming operator licensed as a casino under the Michigan Gaming Control and Revenue Act, the audit prepared pursuant to section 14 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.214, satisfies this requirement. An independent certified public accountant must perform the annual audit.
(b) The annual audit must be performed and presented in accordance with generally accepted accounting principles and contain the opinion of the independent certified public accountant as to its fair preparation and presentation in accordance with generally accepted accounting principles.
(c) To assure the integrity of internet gaming and compliance with the act and these rules, the board may require a special audit of an internet gaming operator or an internet gaming platform provider, or both, to be conducted by board personnel or an independent certified public accountant. The board shall establish the scope, procedures, and reporting requirements of a special audit. For an internet gaming operator who is an Indian tribe, the scope of the special audit must be limited to the internet gaming operator's internet gaming operations.

(2) The board shall require annual compliance reports to be prepared by the internet gaming operator or the internet gaming platform provider, or both, and submitted in a manner and form prescribed by the board. The annual compliance report must address all of the following areas:
(a) Compliance with procedures to ascertain that adjusted gross receipts are determined and state and local taxes or payments are paid, in conformity with the act and these rules.
(b) Compliance with applicable ordinances and agreements with other governmental authorities.
(c) Compliance with internal control procedures, accounting procedures, credit procedures, dispute procedures, and board-imposed security and safety requirements.
(d) A material deviation from the internal control procedures, accounting procedures, credit and dispute procedures, and board-imposed security and safety requirements.
(e) Corrective action taken to resolve deficiencies observed in subdivisions (a) to (d) of this subrule.
(f) Other matters required by the board to measure compliance with the act and these rules.

(3) The board shall determine the date of filing and the number of copies of audits or reports required under this rule. The audits or reports must be received by the board or postmarked no later than the required filing date.
(4) The reporting year-end of the internet gaming operator and internet gaming platform provider is December 31 unless otherwise approved by the board.

R 432.665b Board access to platform data.
Rule 665b. The internet gaming operator or internet gaming platform provider must provide access to internet gaming platform related data as considered necessary by the board and in a manner approved by the board.

R 432.666 Records retention.
Rule 666. (1) Each internet gaming operator or internet gaming supplier must maintain, in a place secure from theft, loss, or destruction, adequate records of its business and accounting operations. An internet gaming operator or internet gaming supplier must make the records available to the board, upon request, within a time provided for by the board. An internet gaming operator or internet gaming supplier must hold the records for not less than 5 years. The records must include, but not be limited to, all of the following:
(a) All correspondence with, or reports to, the board or any local, state, tribal, or federal governmental agency.
(b) All correspondence concerning the business of an internet gaming operator or internet gaming supplier.
(2) An internet gaming operator or internet gaming supplier must keep and maintain, in a manner and form required by the board, accurate, complete, and legible records of any books, records, or documents pertaining to, prepared in, or generated by, the internet gaming operator or internet gaming supplier, including, but not limited to, all of the following:
(a) Forms.
(b) Reports.
(c) Accounting records.
(d) Ledgers.
(e) Subsidiary records.
(f) Computer generated data.
(g) Internal audit records.
(h) Correspondence.
(i) Personnel records.
(3) An internet gaming operator or internet gaming supplier must keep and maintain the books, records, or documents in a manner and form approved or required by the board.
(4) An internet gaming operator or internet gaming supplier must organize and index all required records in a manner that enables the board to locate, inspect, review, and analyze the records with reasonable ease and efficiency.
(5) For an internet gaming operator that is an Indian tribe, records required to be maintained under this rule are limited to those records related to the internet gaming operator's internet gaming operations.

R 432.667 Taxes and payments.
Rule 667. (1) The internet gaming platform must be able to generate reports supporting adjusted gross receipts, wagering liability, winnings, and any other reports considered necessary by the board or as required by the internal controls. The reporting must be done on a form and in the manner prescribed by the board.

(2) An internet gaming operator who fails to remit to the board the tax or payment imposed under the act is liable for payment of a fine, as determined by the board of up to 25% per month of the amounts ultimately found to be due, to be recovered by the board.

R 432.668 Write-offs/amounts returned/disputed credit or debit charges.

Rule 668. (1) An internet gaming operator shall not receive a deduction from gross receipts unless written approval is granted by the board for the following:

(a) Amounts returned to an authorized participant because of a game, platform, or system malfunction or because the internet wager must be voided because of concerns regarding integrity of the wager or game that were previously included in the computation of gross receipts.

(b) Uncollectible markers or successfully disputed credit or debit card charges that were previously included in the computation of gross receipts. Discretionary write-offs by the internet gaming operator do not constitute an uncollectible marker.

(2) An internet gaming operator must submit for board review and approval a written request, including all supporting documentation, of the deductions it would like to take against gross receipts.

PART 7. RESPONSIBLE GAMING; PROHIBITED PERSON

R 432.671 Establishment and maintenance of the responsible gaming database.

Rule 671. (1) The board shall establish a responsible gaming database that contains a list of individuals who are prohibited from establishing an internet wagering account or participating in internet wagering offered by an internet gaming operator.

(2) The executive director may place an individual’s name in the responsible gaming database for any of the following reasons:

(a) The individual has been convicted in any jurisdiction of a felony, a crime of moral turpitude, or a crime involving gaming.

(b) The individual has violated the act or another gaming-related law.

(c) The individual has performed an act or has a notorious or unsavory reputation such that the individual's participation in internet wagering under the act would adversely affect public confidence and trust in internet gaming.

(d) The individual's name is on a valid and current exclusion list maintained by this state or another jurisdiction in the United States.

(e) A court has ordered the placement of an individual’s name in the responsible gaming database.

(f) The internet gaming operator or internet gaming platform provider has requested an individual’s name be included in the responsible gaming database.

(g) Any other reason the executive director considers appropriate to protect the integrity of internet gaming under the act and these rules.

(3) An internet gaming operator or internet gaming platform provider may request an individual’s name be included in the responsible gaming database. The request must be done in the manner and form prescribed by the executive director, but must at a minimum include all of the following:

(a) The individual’s name and other identifying information.

(b) The reason why the internet gaming operator or internet gaming platform provider believes the individual should be included.

(c) Any evidence that supports the request.

(d) Any other information requested by the executive director.

(4) If the executive director places an individual in the responsible gaming database, it shall notify the individual. This notification must include the basis for the individual's placement in the responsible gaming database and explain that the individual is prohibited from establishing an internet wagering account or making an internet wager as authorized by the act and these rules.
(5) An excluded person may request a hearing under these rules to contest placement in the responsible gaming database. It is the excluded person's responsibility to prove by clear and convincing evidence why he or she should not be in the responsible gaming database.
(6) Involuntary placement in the responsible gaming database is permanent, unless removed by the executive director. The executive director shall only remove an excluded person from the responsible gaming database if the excluded person no longer satisfies the criteria for placement.

R 432.672 Voluntary placement in the responsible gaming database.
Rule 672. (1) An individual may have his or her name placed in the responsible gaming database for a period of 1 or 5 years by submitting a request in the manner and form prescribed by the executive director.
(2) An individual seeking voluntary placement in the responsible gaming database must agree to release the state, the board and its employees and agents, the internet gaming operator, the internet gaming platform provider, and each of their respective officers, directors, employees, and agents from any harm, monetary or otherwise, that may arise as a consequence of placing his or her name in the responsible gaming database.
(3) The executive director shall not include an individual in the responsible gaming database until the individual has provided all necessary information.
(4) If an internet gaming operator or internet gaming platform provider prohibits a voluntarily-excluded person in the responsible gaming database from engaging in other forms of gaming authorized by law in this state or in another jurisdiction, the limitation shall only be for the 1 or 5 year placement chosen by the voluntarily-excluded person.

R 432.673 Distribution of the responsible gaming database.
Rule 673. (1) The executive director shall provide the internet gaming operator and internet gaming platform provider with information the executive director considers necessary to carry out the purposes of the act and these rules.
(2) Internet gaming operators and internet gaming platform providers may only use the information as provided for in the internal controls and as is consistent with the act and these rules.
(3) Use of information from the responsible gaming database for a purpose other than what is provided for in the act or these rules may result in disciplinary action by the board against the licensee or a civil fine. Nothing in this part is intended to preclude the disclosure of such information pursuant to subpoena or other legal process.

R 432.674 Self-exclusion list.
Rule 674. (1) Each internet gaming operator and internet gaming platform provider must establish and maintain a self-exclusion list as prescribed in the act, in these rules, by direction of the executive director, and in accordance with internal controls.
(2) The self-exclusion list must be designed to safeguard the confidentiality of the information.
(3) An individual may have his or her name added to the self-exclusion list maintained by the internet gaming operator or internet gaming platform provider if he or she agrees to release the state, the board and its employees and agents, the internet gaming operator, the internet gaming betting platform provider, and each of their respective officers, directors, employees, and agents from any harm,

monetary or otherwise, that may arise as a consequence of placing his or her name in the responsible gaming database or self-exclusion list.

(4) Any individual requesting placement in the self-exclusion list must submit through his or her internet wagering account or by another means authorized by the board, a completed request for self-exclusion.

(5) An internet gaming operator or internet gaming platform provider may disclose the names of voluntarily-excluded persons on the self-exclusion list to a person licensed or registered by the board for the purpose of allowing the third-party to remove the names of such individuals from a targeted mailing or other advertising or promotion to be made on behalf of an internet gaming operator or internet gaming platform provider.

(6) A licensed or registered third-party that obtains the self-exclusion list from an internet gaming operator or internet gaming platform provider is permitted to use the list solely to exclude names and other information from targeted mailings or other advertising or promotion made on behalf of the internet gaming operator or internet gaming platform provider. The third-party to whom the information is disclosed shall not distribute or disclose the information to the public or any other person. Disclosure may result in disciplinary action or civil fine.

R 432.675 Prohibited persons.

Rule 675. (1) An internet gaming operator and an internet gaming platform provider must make reasonable efforts to prevent a prohibited person from establishing an internet wagering account and not permit the prohibited person to place an internet wager based on the most current information available to the internet gaming operator and internet gaming platform provider. This subrule shall not be construed to prevent an individual from creating an internet gaming account and depositing funds to such an account even if they are prohibited from placing certain wagers.

(2) If an internet gaming operator or internet gaming platform provider detects, or is notified of, an individual suspected of being a prohibited person who had engaged or is engaging in prohibited internet wagering, the internet gaming operator or internet gaming platform provider, or both, must use reasonable measures to verify whether the individual is prohibited or not. If the internet gaming operator or internet gaming platform provider cannot establish by reasonable measures that the individual is prohibited, the individual is presumed to not be a prohibited person for the purposes of this rule.

(3) Upon verification of a prohibited status, the internet gaming operator or internet gaming platform provider, or both, must do both of the following:

(a) Immediately prohibit access to the individual's internet wagering account.

(b) Seize from the individual any winnings or things of value obtained from engaging in internet wagering.

(4) The internal controls of an internet gaming operator or internet gaming platform provider must contain procedures for processing any winnings or things of value confiscated or withheld from a prohibited person.

R 432.676 Duty of internet gaming operator and internet gaming platform provider.

Rule 676. (1) An internet gaming operator and internet gaming platform provider must make reasonable efforts to prohibit a prohibited person from establishing an internet wagering account and from participating in internet wagering offered under the act and these rules. This subrule shall not be construed to prevent an individual from creating an internet gaming account and depositing funds to such an account even if they are prohibited from placing certain wagers.

(2) If an internet gaming operator or internet gaming platform provider becomes aware that a prohibited person has established an internet wagering account or has participated in internet wagering, the internet gaming operator or internet gaming platform provider must provide written notice to the executive director. Any wager made by a prohibited person must be cancelled and the internet wagering account used to place the wager must be suspended or closed.

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

~~MICHIGAN DEPARTMENT OF CIVIL RIGHTS~~
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

~~DIVISION ON DEAF AND HARD OF HEARING~~
BOARD OF INTERPRETERS FOR THE DEAF, DEAF-BLIND AND HARD OF HEARING

QUALIFIED INTERPRETER – GENERAL RULES

Filed with the ~~Secretary of State~~ **secretary of state** on

These rules become effective immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45(a)(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 ~~division on deaf and hard of hearing~~ **director of the department of licensing and regulatory affairs** by section 8a of the deaf persons' interpreters act, 1982 PA 204, MCL 393.508a, ~~section 9 of the division on deafness act, 1937 PA 72, MCL 408.209,~~ and ~~ERO~~ **Executive Reorganization Order Nos.** 1996-2, ~~MCL 445.2001, ERO~~ 2003-1, ~~MCL 445.2011, and~~ ~~ERO 2008-4~~, **2011-4, 2014-5 and 2017-4,** MCL **445.2001, 445.2011,** ~~445.2025~~ **445.2030, 445.2035, and 445.2036**)

R 393.5001, R 393.5003, R 393.5004, R 393.5021, R 393.5022, R 393.5028, R 393.5029, R 393.5031, R 393.5033, R 393.5041, R 393.5042, R 393.5045, R 393.5051, R 393.5052, R 393.5053, R 393.5054, R 393.5055, R 393.5056, R 393.5061, R 393.5062, R 393.5063, R 393.5064, R 393.5070, R 393.5072, R 393.5073, R 393.5074, R 393.5076, R 393.7077, R 393.5081, R 393.5082, R 393.5084, R 393.5085, R 393.5091, R 393.5092, R 393.5093, R 393.5094, and R 393.5095 of the Michigan Administrative Code are amended, R 393.5020, R 393.5029a, R 393.5030, R 393.5030a, R 393.5072a, and R 393.5093a are added, and R 393.5005, R 393.5023, R 393.5024, R 393.5025, R 393.5026, R 393.5027, R 393.5032, R 393.5058, R 393.5075, R 393.5083, and R 393.7086 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 393.5001 Scope.

Rule 1. **(1)** These rules apply to **a qualified interpreter, a qualified deaf interpreter, a qualified interpreter applicant, an interpreter trainee, a student intern,** a person who is hired to interpret for a proceeding for a deaf, deaf-blind, or hard of hearing **(D/DB/HH)** person within this state**, appointing authorities**, **continuing education sponsors, or any situation where a qualified interpreter is required as an accommodation under state or federal law**.

(2) Unless otherwise required in these rules, an interpreter located in this state who interprets for a D/DB/HH person or an interpreter located outside of this state who interprets for a D/DB/HH person located in this state shall hold a state certification and be listed as a qualified interpreter in this state if interpreting in any of the following:

(a) An action before a court or grand jury where a D/DB/HH person is a participant in the action as a plaintiff, defendant, or witness.

(b) In a proceeding before a department, board, commission, agency, or licensing authority in this state or a political subdivision of this state.

(c) In a proceeding before an entity that is required to provide a qualified interpreter as an accommodation to provide effective communication for a D/DB/HH person under a law of this state or a federal law.

(3) Levels of certification are based on a qualified interpreter's credentials. The following levels of certification allow the qualified interpreter to interpret in specific proceedings or environments:

(a) Basic qualified interpreter.

(b) Advanced qualified interpreter.

(c) Educational qualified interpreter.

(d) Qualified deaf interpreter.

(4) In addition to the certification required in subrule (3) of this rule, special endorsements are necessary to interpret at any of the following:

(a) Medical-mental health proceedings.

(b) Legal proceedings.

(c) At a proceeding involving a deaf-blind person.

(5) An interpreter shall comply with applicable federal and state laws and regulations.

R 393.5003 Definitions.

Rule ~~2~~ **3**. ~~Terms used in these rules are defined as~~ follows **(1) As used in these rules**:

(a) "Act" means the deaf persons' interpreters act, 1982 PA 204, MCL 393.501 to 393.509.

(b)~~"CEU cycle" means a 4-year period of time in which continuing education units are earned.~~

"BEI Basic", "BEI Advanced", and "BEI Master" mean the credentials granted under the MI-BEI interpreter testing system.

(c) "BEI basic test", "BEI advanced test", and "BEI master test" mean the performance tests used to evaluate interpreters in this state.

(d) "Board" means the board of interpreters for the deaf, deaf-blind, and hard of hearing.

~~(c)~~ **(e)** "CEU" means a continuing education unit.

~~(d)~~ **(f)** "Complainant" means a person or entity who has filed a complaint with the ~~division~~ **department** alleging that a ~~person~~ **qualified interpreter; a qualified deaf interpreter; a qualified interpreter applicant; an interpreter trainee; a student intern; a person who is hired to interpret for a proceeding for a deaf, deaf-blind, or hard of hearing person within this state; appointing authority; continuing education sponsor; or other person** has violated the act or a rule promulgated under the act.

~~(e) "Council" means the advisory council on deaf and hard of hearing established under MCL 408.205.~~

~~(f) "Credential card" means an interpreter card, carrying the great seal of Michigan, issued by the division that verifies that an interpreter is a qualified interpreter within this state for a specific time period. The division may issue a credential card that incorporates a photograph.~~

(g) "D/DB/HH" means a deaf, deaf-blind**,** ~~and/~~or hard of hearing person and includes any person for whom ~~an~~ **a qualified** interpreter is required as an accommodation under state or federal law.

~~(h) " Deaf Interpreter" or "DI" means a deaf or hard of hearing person who holds a division recognized certification and interpreter training and/or experience in the use of gestures, mime, props, drawings, and other tools to enhance communication, as well as knowledge and understanding of deafness, the deaf community, and the deaf culture. The DI possesses native or near-native fluency in American Sign Language. The DI facilitates communication between a person using sign language and a deafblind~~

~~person or between a qualified interpreter and D/DB/HH person when the communication between the qualified interpreter and the D/DB/HH person is not effective.~~

~~(i) "Director" means the director of the division on deaf and hard of hearing his or her designee.~~

~~(j)~~ **(h)** ~~"Division" means the division on deaf and hard of hearing in the Michigan department of civil rights.~~ **"Department" means the department of licensing and regulatory affairs.**

~~(k)~~ **(i)** ~~Division recognized certification" means a certificate that the division will accept that indicates the person has passed an evaluation of his or her interpreting skills.~~

"Director" means the director of the department of licensing and regulatory affairs or his or her designee.

~~(l)~~ **(j)** "Effective communication" means that all involved parties understand each other for the exchange of visual and audio information about ideas, attitudes, emotions, or behavior that occurs between 2 or more ~~persons~~ **people**, through a common system of language that is equally and fully understood by a ~~deaf, deaf blind, or hard of hearing person (~~D/DB/HH~~)~~ **person** and **a** hearing person~~s~~. The **qualified** interpreter must possess sign language to English**, and** English to sign language**,** skills and necessary vocabulary for the situation so that all parties have access to the same information.

~~(m)~~ **(k)** "Exception" means a written agreement between the ~~division~~ **department** and ~~an appointing authority, including, but not necessarily limited to, an educational program~~ **a school district,** as described in R ~~393.5027(3)~~ **393.5041** , in which the appointing authority describes and attests to its efforts to provide a qualified interpreter, and in which the appointing authority asserts and the ~~division~~ **department** agrees that the unfeasibility of doing so necessitates a variance from these rules.

~~(n)~~ **(l)** "EIPA" or "educational interpreter performance assessment" means a credential granted under the EIPA interpreter testing system that assesses the proficiency of interpreters in elementary and secondary educational environments**, that is performed by the EIPA Diagnostic Center at the Boys Town National Research Hospital in Omaha, Nebraska, https://www.boystownhospital.org.**

~~(o)~~ **(m)** "Formal complaint" means a document that states the charges of each alleged violation and is prepared by the ~~division~~ **department** after a complaint has been received.

(n) "Good moral character" means the propensity to serve the public in interpreting for a D/DB/HH person in a fair, honest, and open manner. Good moral character takes into consideration all of the following:

(i) A judgment of guilt in a criminal prosecution.

(ii) Employability.

(iii) The ability to, and likelihood of, serving the public in a fair, honest, and open manner.

(iv) Whether the interpreter is rehabilitated.

(v) Whether the substance of the former offense is reasonably related to interpreting as determined and defined in 1974 PA 381, MCL 338.41 to 338.47 and R 393.5033.

(o) "Hard of hearing" means a person who has a mild-to-moderate hearing loss who may communicate through sign language, spoken language, or both.

(p) "Incompetence" means a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for an interpreter, whether or not actual injury to an individual occurs.

~~(p)~~ **(q)** "Interpreter" means a person who engages in the practice of interpreting ~~and meets the definition of MCL 393.502(h).~~ **including all of the following**:

(i) Proceedings interpreter.

(ii) Table interpreter.

(iii) Qualified interpreter.

(iv) Qualified deaf interpreter.

~~(q)~~ **(r)** "Interpreting" means the process of listening, watching, understanding, and analyzing signed, spoken, written word, facial expressions, and lip movements from a source language and re-expressing

that message faithfully, accurately, and objectively in a target language, taking the social and cultural context into account. In the context of these rules "interpreting" generally involves signing to a D/DB/HH person what is being voiced by a hearing person~~,~~ and voicing to a hearing person what is being signed by a D/DB/HH person.

~~(r)~~ **(s)** "Listed" or "listing" means full name, **city, state, zip code**, type of certification, expiration, and disciplinary actions appearing in the ~~division~~ **department** interpreter database **referred to as the MiPLUS online system (MiPLUS) formerly known as the Michigan online interpreter system (MOIS) that is available on the department's website**.

~~(s) "MI-BEI certification" means an interpreter certificate granted under the MI-BEI interpreter testing system.~~

~~(t) "Michigan BEI" or "MI-BEI" means the Michigan board for evaluation of interpreters test, which this state leases from the state of Texas to evaluate interpreters in this state.~~

~~(u)~~ **(t)** "NAD" means ~~national association~~ **National Association** of the ~~deaf~~ **Deaf**.

"NAD III", "NAD IV", or "NAD V" means the NAD certificate under RID.

~~(v)~~ **(u)** "National certification" means 1 of the following certificates recognized by the registry of interpreters for the deaf (RID) that assesses interpreter skills:

(i) ~~"~~RID CDI~~" means certified deaf interpreter~~.

(ii) ~~"~~RID CI~~" means certificate of interpretation~~.

(iii) ~~"~~RID CLIP-R~~" means conditional legal interpreting permit-relay~~.

(iv) ~~"~~RID CSC~~" means comprehensive skills certificate~~.

(v) ~~"~~RID CT~~" means certificate of transliteration~~.

(vi) ~~"~~RID Ed: K-12~~" means educational certificate: k-12~~.

(vii) ~~"~~RID IC~~" means interpretation certificate~~.

(viii) ~~"~~RID MCSC~~" means master comprehensive skills certificate~~.

(ix) ~~"~~NAD III~~", or IV, or V means national association of the deaf certificate under RID~~.

(x) ~~"~~RID NIC~~" means national interpreter certification (e.g., NIC, NIC Advanced, and NIC Master)~~.

(xi) ~~"~~RID OTC~~" means oral transliteration certificate~~.

(xii) RID PDIC.

~~(xii)~~ **(xiii)** ~~"~~RID RSC~~" means reverse skills certificate~~.

~~(xiii)~~ **(xiv)** ~~"~~RID SC:L~~" means specialist certificate: legal~~.

~~(xiv)~~ **(xv)** ~~"~~RID TC~~" means transliteration certificate~~.

(v) "Oral transliteration" means the practice of interpreting for a D/HH person who uses speech and lipreading as his or her primary method of communication.

(w) "Pocket card" means a certification card issued by this state.

~~(w)~~ **(x)** "Proceeding" means any meeting in which a D/DB/HH person participates that requires a qualified interpreter.

~~(x)~~ **(y)** "Proceedings interpreter" means a ~~person~~ **qualified interpreter** who interprets ~~in a court room all of the proceedings of the court, including all witness testimony~~ **legal proceedings including, but not limited to, witness testimony or commentary; who operates as an extension of the bench and the court reporter; and who is responsible for creating an accurate record for the court. The proceedings interpreter is an officer of the court**.

~~(y)~~ **(z)** ~~"Quality assurance certification" or "QA" means an interpreter certificate granted under the division's quality assurance certification interpreter testing system.~~ **"Qualified deaf interpreter" means a deaf or hard of hearing person recognized by this state as a qualified interpreter through an application and certification process under R 393.5031, and is listed on the MiPLUS online system that is available on the department's website**. **A qualified deaf interpreter uses gestures, mime, props, drawings, and other tools to enhance communication, as well as knowledge and understanding of deafness, the deaf community, and the deaf culture. The qualified deaf**

interpreter possesses native or near-native fluency in American Sign Language. The qualified deaf interpreter facilitates communication between a person using sign language and a deaf-blind person or between a qualified interpreter and D/DB/HH person when the communication is not effective.

~~(z)~~ **(aa)**"Qualified interpreter" means a person ~~who is certified~~ **whose certification** through the ~~national registry of interpreters for the deaf~~ **RID** ~~or certified through the~~ **is recognized by this** state ~~by the division and listed on the Michigan online interpreter system, available on the division website, and who holds all standard level, educational certification, and endorsement(s) required for the interpreting assignment in which he or she is engaging.~~ **or who holds a certification from this state pursuant to R 393.5031 as a basic qualified interpreter, advanced qualified interpreter, or educational qualified interpreter and is listed on MiPLUS.**

~~(aa)~~ **(bb)** "Readily communicate" means that effective communication is achieved.

~~(bb)~~ **(cc)** "Reasonable notice" means the minimum advanced notice required under the circumstances for the appointing authority to secure ~~an~~ **a qualified** interpreter.

~~(cc)~~ **(dd)** "Respondent" means a person against whom a complaint has been filed ~~alleging~~ that **alleges** the person has violated the act, or a rule promulgated under the act.

~~(dd)~~ **(ee)** "RID" means the national registry of interpreters for the deaf.

(ff) "RID CDI" means the certified deaf interpreter certificate.

(gg) "RID CI" means the certificate of interpretation.

(hh) "RID CLIP-R" means the conditional legal interpreting permit-relay certificate.

(ii) "RID CSC" means the comprehensive skills certificate.

(jj) "RID CT" means the certificate of transliteration.

(kk) "RID Ed: K-12" means the educational certificate for kindergarten through twelfth grade.

(ll) "RID IC" means the interpretation certificate.

(mm) "RID MCSC" means the master comprehensive skills certificate.

(nn) "RID NIC" means the national interpreter certificate, such as the NIC certificate, the NIC Advanced certificate, and the NIC Master certificate.

(oo) "RID OTC" means the oral transliteration certificate.

(pp) "RID PDIC" means a provisional deaf interpreter credential.

(qq) "RID RSC" means the reverse skills certificate.

(rr) "RID SC:L" means the specialist legal certificate.

(ss) "RID TC" means the transliteration certificate.

~~(ee) "SCAO" means state court administrative office.~~

~~(ff)~~ **(tt)** "Secure call center" means a location with the physical and technological attributes to enable qualified interpreters to provide video remote interpreting **(VRI)** in compliance with the act and any other applicable law.

~~(gg)~~ **(uu)** "Sign language" means a visual language ~~in which with~~ **through** signing, **where** the brain processes linguistic information through the eyes. The shape, placement, and movement of the hands, as well as facial expressions and body movements, all play important parts in conveying information. American Sign Language (ASL) is a language with its own unique rules of grammar and syntax.

~~(hh)~~ **(vv)** "Student intern" means a person who is formally enrolled in a course of study **in the field of interpreting** at ~~a~~ **an accredited institution,** college, university, or trade school **pursuant to R 393.5053** ~~leading~~ **that leads** to a degree or certificate **and who participates in an interpreter practicum experience under R 393.5054** ~~from an accredited institution in the field of interpreting~~.

~~(ii)~~ **(ww)** "Superuser" means a system administrator, technician, or other ~~authorized~~ person who possesses the knowledge to connect, fix, or correct technical issues that arise during the use of VRI.

~~(jj)~~ **(xx)** "Table interpreter" means ~~an~~ **a qualified interpreter** who sits at **the legal** counsel's table **during litigation;** ~~as a member of the litigation team,~~ **who** interprets privileged communications

between **legal** counsel and **the** client~~,~~**;** and **who** monitors the ~~proceeding's~~ **proceedings** interpreters for accuracy.

~~(kk)~~ **(yy)** "Team interpreting" means the utilization of 2 or more **qualified** interpreters ~~or deaf interpreter who rotate to provide simultaneous or consecutive interpretation~~ **who support each other to meet the needs of a particular communication situation. Depending on both the needs of the participants and the agreement between interpreters, the responsibilities of the individual team members may be rotated, and feedback may be exchanged**. ~~Team interpreters alternate interpreting duties to reduce mental and physical fatigue, reduce the potential for errors in the interpretation by monitoring and making adjustments as necessary to ensure accuracy, and monitoring the environmental logistics of the interpreted setting.~~

~~(ll) "Testing cycle" means the period of time between the time a certification is earned and retesting is required.~~

~~(mm)"Under-qualified interpreter" means a "qualified interpreter" who is certified through the national registry of interpreters for the deaf or certified through this state by the division and listed on the Michigan online interpreter system, but who does not hold 1 or more standard level, educational certification, or endorsement(s) required to interpret for a proceeding in which he or she is engaging.~~

~~(nn) "Variance" means any failure by an appointing authority to provide a qualified interpreter and establish effective communication that does not take place pursuant to a "waiver" or "exception" and which is not otherwise prohibited by law or these rules. A variance may, for example, be necessitated because compliance would cause an appointing authority undue hardship or fundamental alteration as those terms are used in the Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008. An agreement to accept interpreting provided in variance shall not include, or be deemed to include, any express or implied agreement to lessen legal responsibility for malfeasance, misfeasance, or other failure to reasonably predict and prepare to meet a legal requirement to provide a properly qualified interpreter, or which would have otherwise reasonably have prevented the need to provide the variance.~~

~~(oo)~~ **(zz)** "Video relay service" or "VRS" means a form of telecommunications relay service ~~(TRS)~~ that enables persons with hearing or speech disabilities who use ~~American sign language (~~ASL~~)~~ to communicate with voice telephone users through video equipment. The video equipment links the VRS user with ~~an~~ **a qualified** interpreter so that the VRS user and **qualified** interpreter can see and communicate with each other in sign language while the **qualified** interpreter relays the conversation back and forth with a voice caller.

~~(pp)~~ **(aaa)** "Video remote interpreting" or "VRI" means the use of video conference technology to deliver the services of a qualified interpreter between 2 or more people at the same location. VRI generally consists of video cameras and monitors, microphones and speakers, and a high-speed internet ~~or other~~ connection.

~~(qq)~~ **(bbb)** "Waiver" means to give up the right to have a qualified interpreter **pursuant to section 3(3) of the act, MCL 393.503**. ~~A "Limited Waiver" means to agree to accept an under-qualified interpreter for a particular proceeding.~~

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

R 393.5004 Reasonable **advance** notice **to appointing authority**.

Rule 4. **(1)** An appointing authority may require that a person ~~requesting an~~ **who requests a qualified interpreter as an** accommodation provide reasonable advance notice. A lack of reasonable advance notice of the need for ~~an~~ **a qualified** interpreter may relieve the **appointing authority of the** legal obligation to make timely and appropriate attempts to provide ~~one;~~ **a qualified interpreter.** ~~but an~~ **An** appointing authority's refusal to provide a **qualified interpreter as a** legally required accommodation

based only upon a notice requirement greater than what is reasonable under the circumstances is a refusal to provide the accommodation.

(2) A determination of reasonableness may ~~among other factors,~~ include**, but is not limited to, all the following:**

(a) ~~the~~ **The** local availability of **qualified** interpreters~~,~~**.**

(b) ~~the~~ **The** frequency with which the appointing authority receives ~~such~~ **these** requests~~,~~**.**

(c) ~~whether~~ **Whether** the appointing authority regularly utilizes VRI or an interpreter agency~~,~~ **.**

(d) ~~the~~ **The** nature of the proceedings for which the **qualified** interpreter is requested~~,~~**.**

(e) ~~any~~ **Any** specific ~~types~~ **type of** endorsement or other interpreter expertise needed~~,~~**.**

(f) ~~the~~ **The** potential for harm if there is delay in the proceeding~~, and~~**.**

(g) ~~the~~ **The** ability of the D/DB/HH person to have foreseen the need.

(3) Notice is always reasonable when ~~provided~~ **given** by a D/DB/HH **person** as soon as a medical, legal, or emergency need is identified.

R 393.5005 ~~Verification of interpreter qualifications.~~ **Rescinded.**

~~Rule 5. The division shall assist an appointing authority or a member of the public to ensure that an interpreter is properly qualified by 1 or more of the following methods:~~

~~(a) Verifying through oral or written request that a credential provided by the division is current and valid.~~

~~(b) Accepting and referring requests for qualified interpreters channeled through the division under MCL 393.508 (1).~~

~~(c) Verifying the credential of qualified interpreters through an online listing provided by the division under MCL 393.508 (2).~~

~~(d) Providing consultation on required certification and standard levels.~~

PART 2. MINIMUM CREDENTIAL REQUIREMENTS AND LEVELS

R 393.5020 Requirement of effective communication.

Rule 20. In all proceedings and environments, an interpreter shall provide effective communication. Interpreters shall accept, decline, or withdraw from proceedings, based upon all of the following:

(a) Level of certification by the state.

(b) Endorsements.

(c) Credentials.

(d) NAD-RID code of professional conduct.

(e) Experience.

(f) Minimum standards of practice.

(g) Ability to readily communicate.

R 393.5021 Acceptable ~~certifications~~ **credentials**.

Rule 21. ~~(1)~~ All of the following ~~certifications~~ **credentials** are recognized in this state:

~~(a) The following certification evaluated by this state:~~

~~(i) Michigan Quality Assurance (QA) I, II, III, until phase-out date being 90 days after the effective date of these rules.~~

~~(ii)~~ **(a)** ~~Michigan~~ BEI ~~I~~ **Basic.**

~~(iii)~~ **(b)** ~~Michigan~~ BEI ~~II~~ **Advanced**.

~~(iv)~~ **(c)** ~~Michigan~~ BEI ~~III~~ **Master**.

~~(v)~~ **(d)** ~~Deaf Interpreter (DI)~~ **Deaf interpreter credential**.

~~(b)~~ **(e)** EIPA **for elementary and secondary education** ~~as provided~~ in R ~~393.5026~~ **393.5031**.

~~(c) A certification from another state having a reciprocal agreement with this state.~~

~~(d)~~ **(f)** National certifications recognized by the RID.

~~(e)~~ **(g)** Equivalent certification recognized by the RID or the ~~division~~ **department**.

(h) A credential approved by the board that is substantially similar to the credentials listed in this rule.

~~(2) An EIPA shall only be accepted for use in elementary and secondary educational settings and shall not be recognized as acceptable certification outside of the stated school settings.~~

R 393.5022 ~~Minimum standard levels~~ **Certification types**.

Rule 22. (1) **There are 4** ~~Standard levels~~ **types of certification,** ~~shall include level 1, level 2, level 3~~, **which include basic qualified interpreter, advanced qualified interpreter,** ~~and an~~ educational **qualified interpreter, and qualified deaf interpreter** ~~level~~. ~~Standard levels~~ **Types of certification** are based upon ~~the sign language~~ **the qualified** interpreter's credentials~~,~~ and are intended to illustrate a given level of expected proficiency. Each ~~level~~ **type** is the minimum level established to protect the health, welfare, and safety of the D/DB/HH person and **the qualified** interpreters **who are** engaged in the specific environments identified under each ~~standard level~~ **type**. ~~Interpreters shall accept, refuse, or withdraw from proceedings, based upon their standard level, RID professional code of conduct tenets, experience, ability to readily communicate, mandated standards, and credentials.~~

(2) A person with **only** ~~a designated~~ **an RID** oral transliteration certificate may provide **only** oral transliterating ~~only~~. ~~Sign language interpreter certification is required for a person to perform sign language interpreting~~. If oral transliterating is done ~~under standard levels 2 and 3,~~ **in an advanced level proceeding,** then the interpreter shall also obtain ~~medical and legal~~ **the appropriate** endorsements.

(3) **In addition to a state certification, a qualified interpreter shall hold an endorsement under R 393.5028 to interpret in a medical-mental health proceeding, legal proceeding, or proceeding involving a DB person.**

(4) The proceedings and environments where each type of qualified interpreter may work as well as the credentials required for each is included in Table 1.

Table 1 to Rule 393.5022(4)
Basic, Advanced, Deaf, and Educational Michigan Certification Credentials and Environments

Basic Qualified Interpreter Certification	Advanced Qualified Interpreter Certification	Qualified Deaf Interpreter Certification
(a) A basic qualified interpreter certification allows a qualified interpreter to interpret in non-complex, low risk proceedings and environments and prohibits the interpreter from interpreting in proceedings and environments with the primary focus on health, mental health, legal, employment, finance, or government.	**(b) An advanced qualified interpreter certification allows a qualified interpreter to interpret in low risk as well as moderately complex, medium-high risk proceedings and environments, including government, employment, finance, and medical and mental health care settings with the proper endorsement.**	**(c) A qualified deaf interpreter certification allows an interpreter who is deaf or hard of hearing who has been recognized by this state as a qualified interpreter under R 393.5031 to facilitate communication between a person using sign language and a deaf-blind person or between a qualified interpreter and a D/DB/HH person when the communication is not effective.**
(i) To qualify for a basic qualified interpreter certification, an interpreter shall possess not less than 1 of the following credentials: **(A) BEI Basic.** **(B) NAD III.** **(C) RID IC.** **(D) RID TC.** **(E) A credential approved by the board that is substantially similar to any of the credentials listed in this paragraph.**	**(i) To qualify for an advanced qualified interpreter certification, an interpreter shall possess not less than 1 of the following credentials:** **(A) BEI Advanced.** **(B) BEI Master.** **(C) RID CI.** **(D) RID CT.** **(E) RID OTC.** **(F) NAD IV.** **(G) RID NIC.** **(H) RID NIC Advanced.** **(I) RID NIC Master.** **(J) RID CDI.** **(K) RID CSC.** **(L) RID MCSC.** **(M) RID RSC.** **(N) NAD V.** **(O) A credential approved by the board that is substantially similar to any of the credentials listed in this paragraph.**	**(i) To qualify for a qualified deaf interpreter certification, an interpreter shall possess not less than 1 of the following credentials:** **(A) RID CDI.** **(B) RID PDIC. Use of the RID PDIC expires 12 months after the availability of the RID deaf interpreter performance examination.** **(C) Another deaf interpreter credential approved by the board that is substantially similar to RID CDI certification.**
(ii) An interpreter with a basic qualified interpreter certification may interpret in the following proceedings and environments unless the type of proceeding or environment is more specifically defined in subdivisions (b)(ii), (d)(ii), or (e)(ii) of this subrule: **(A) Workshops.**	**(ii) In addition to interpreting in all proceedings and environments in subdivision (a)(ii) of this subrule an interpreter with an advanced qualified interpreter certification may also interpret in the following proceedings and environments:** **(A) An individualized education program (IEP) meeting.** **(B) A meeting, training session, or workshop**	

(B) Meetings. **(C) Trainings.** **(D) General presentations.** **(E) GED trainings.** **(F) Post-secondary vocational trainings.** **(G) Post-secondary assessments.** **(H) Weddings, graduations, and funerals.** **(I) For a deaf-blind person in any of the proceedings and environments included in this provision if the interpreter also holds a deaf-blind endorsement under R 393.5028.**	**involving post-secondary education, employment, finance, science, technology, engineering, and math fields, or government.** **(C) Interviews for employment.** **(D) Job trainings.** **(E) Employment grievance and employment discipline meetings.** **(F) Staff meetings.** **(G) Political events.** **(H) Financial or banking transactions.** **(I) Government meetings.** **(J) Presentation by dignitaries and public personalities.** **(K) Plays, concerts, television news.** **(L) Tax assessment meetings or tax assessment appeal meetings.** **(M) Applications for state or federal services.** **(N) VRI services for all situations listed in this subdivision.** **(O) Legal proceedings and environments, including, but not limited to, all of the following, with a legal endorsement under R 393.5028:** **(I) A forensic psychiatric evaluation.** **(II) An evaluation of a legal nature.** **(III) An emergency broadcast.** **(IV) A legal workshop or legal training.** **(V) VRI services for any legal matter and all situations listed in this paragraph.** **(VI) An activity involving the police, prison, or prisoners.** **(VII) Any activity involving an attorney or the courts.** **(VIII) Any activity involving children's protective services.** **(IX) Any activity involving probation or parole.** **(X) A juvenile detention center.** **(XI) A manifestation determination.** **(XII) An IEP if an attorney is participating in the meeting.** **(XIII) For a deaf-blind person with a deaf-blind endorsement under R 393.5028.** **(XIV) A criminal proceeding and police interrogation if the qualified interpreter also**	

	holds 1 of the following credentials. If a qualified interpreter with the following credentials is not available and the appointing authority has documented an exhaustive search, a qualified interpreter who holds a master qualified interpreter certification may interpret in a criminal proceeding or police interrogation. **(a) An RID.** **(b) An RID SC:L.** **(c) An RID CLIP-R.** **(d) A credential approved by the board that is substantially similar to the credentials listed in subparagraph (O)(14) of this paragraph.** **(P) Medical or mental health settings including, but not limited to, the following~~,~~ with a medical-mental health endorsement under R 393.5028:** **(I) Health care beyond first aid.** **(II) Emergency room, trauma center, urgent care, hospital, nursing home, triage, hospice, rehabilitation center, dialysis center, inpatient facility, outpatient facility, mental health facility, or similar facility where medical or mental health services are provided.** **(III) Health-related and mental health-related presentations, trainings, and workshops.** **(IV) Counseling.** **(V) Psychiatric evaluations.** **(VI) Addiction treatment.** **(VII) In a health care situation involving a health care practitioner licensed under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.** **(Q) For a deaf-blind person in any of the proceedings and environments included in this paragraph if the qualified interpreter holds a deaf-blind endorsement under R 393.5028 and any other required endorsement, if applicable.**	

Educational Qualified Interpreter Certification (Non-Post-Secondary)

(d) An educational qualified interpreter certification to interpret for elementary students allows a qualified interpreter to interpret for a D/DB/HH child in a pre-kindergarten through sixth grade school environment.	**(e) An educational qualified interpreter certification to interpret for secondary students allows a qualified interpreter to interpret for a D/DB/HH student in a seventh grade through twelfth grade school environment, and through age 26 for a student with an IEP or section 504 plan (504) pursuant to the Rehabilitation Act of 1973, 34 CFR 104 (2015).**
(i) To qualify for an educational interpreter certification that allows an interpreter to interpret in an elementary setting, an interpreter shall possess not less than 1 of the following credentials: **(A) A performance score on the elementary EIPA examination of 4.0 of higher, with a passing score on the written test, or a similar written test approved by the department in cooperation with the Michigan department of education (MDE).** **(B) A credential accepted by the board with advice from the MDE that is based on a testing instrument and a score that is substantially similar to a 4.0 on the elementary EIPA examination.** **(C) A deaf interpreter credential, including RID CDI, RID PDIC, or another deaf interpreter credential approved by the board that is substantially similar to the other credentials listed in this subparagraph and certification by the department. Use of RID PDIC expires 12 months after the availability of the RID deaf interpreter performance examination.**	**(i) To qualify for an educational interpreter certification which allows an interpreter to interpret in a secondary educational setting, an interpreter shall possess not less than 1 of the following credentials:** **(A) An EIPA performance score on the elementary or secondary EIPA examination of 4.0 or higher, with a passing score on the written test, or a similar written test approved by the board in cooperation with the MDE.** **(B) BEI advanced.** **(C) A basic or advanced qualified interpreter certification.** **(D) A credential accepted by the board with advice from the MDE that is based on a testing instrument and a score that is substantially similar to a 4.0 on the elementary or secondary EIPA examination.** **(E) A deaf interpreter credential, including RID CDI, RID PDIC, or another deaf interpreter credential approved by the board that is substantially similar to the other credentials listed in this subparagraph and certification by the department. Use of RID PDIC expires 12 months after the availability of the RID deaf interpreter performance examination.**

(ii) An interpreter with an educational qualified interpreter certification to interpret for elementary students may interpret in the following proceedings or environments: **(A) An elementary classroom.** **(B) A meeting pursuant to the Rehabilitation Act of 1973, 34 CFR 104 (2015), regarding an IEP or 504 plan.** **(C) A school-related disciplinary situation, not involving the police.** **(D) Before-school and after-school activities.** **(E) A class trip.** **(F) Other school-related activities.** **(G) Any auxiliary services located within the school or related services listed on a student's IEP.** **(H) Medical, mental health, or legal proceedings or environments including those involving child protective services if the educational qualified interpreter has the proper endorsements to interpret in medical, mental health, or legal proceedings or environments. Otherwise, an educational qualified interpreter shall work with an interpreter with an advanced qualified interpreter certification and the proper endorsements.** **(I) All secondary education settings in subdivision (e)(ii) of this subrule.** **(J) For a deaf-blind person in any of the proceedings and environments included in this paragraph, if the interpreter also holds a deaf-blind endorsement under R 393.5028.**	**(ii) An interpreter with an educational qualified interpreter certification to interpret for secondary students may interpret in the following proceedings or environments:** **(A) A secondary classroom.** **(B) A meeting pursuant to the regulations effectuating section 504 of the Rehabilitation Act of 1973, 34 CFR part 104 (2015), regarding an IEP or 504 plan.** **(C) A school related disciplinary situation, not involving the police.** **(D) Before-school and after-school activities.** **(E) A class trip.** **(F) High school vocational training.** **(G) Other school-related activities.** **(H) Any auxiliary services located within the school or related services listed on a student's IEP.** **(I) Medical, mental health, or legal proceedings or environments including those involving child protective services if the educational qualified interpreter has the proper endorsements to interpret medical, mental health, or legal proceedings or environments. Otherwise, an educational qualified interpreter shall work with an interpreter with an advanced qualified interpreter certification and the proper endorsements.** **(J) For a deaf-blind person in any of the proceedings and environments included in this paragraph, if the interpreter also holds a deaf-blind endorsement under R 393.5028.**

(5) As of the effective date of these rules, a person who holds a standard level 3 certification under the prior rules shall be considered to hold an advanced qualified interpreter certification with a legal endorsement.

(6) As of the effective date of these rules, a person who holds an educational level for elementary students certification or an educational level for secondary students certification under the prior rules shall be considered to hold an educational qualified interpreter certification for elementary students or an educational qualified interpreter certification for secondary students.

~~The following certifications are not recognized by the division for the circumstances described:~~

~~(a) Beginning 90 days from the effective date of these rules, holders of certificates listed under standard level 1 and standard level 2 shall not provide legal interpreting.~~

~~(b) An interpreter holding a QA I certification shall not work in an educational environment beyond 90 days after the effective date of these rules.~~

~~(c) Endorsements are required to interpret in medical situations in legal situations, and for a proceeding involving a deafblind person. Endorsement requirements shall be required 2 years from the effective date of these rules.~~

~~(d) Adherence to standard levels will begin 90 days after the effective date of these rules.~~

R 393.5023 ~~Standard Level 1; non-complex, low-risk environments~~ . **Rescinded.**

~~Rule 23. (1) Interpreters at standard level 1 shall hold 1 of the following credentials:~~

~~(a) MI-BEI I.~~

~~(b) Michigan QA 1, until phased out as provided in R 393.5021 (l)(a)(i).~~

~~(c) DI.~~

~~(d) NAD 3.~~

~~(e) RID IC (interpretation certificate).~~

~~(f) RID TC (transliteration certificate).~~

~~(2) Interpreters assigned to standard level 1 may work in the following environments; effective communication is required to be achieved:~~

~~(a) Workshops, meetings, and trainings or general presentations, except for topics related to health, mental health, law, employment, finance, and government.~~

~~(b) VRS.~~

~~(c) Post-secondary education or GED training.~~

~~(d) Vocational training - post-high school and assessments.~~

R 393.5024 ~~Standard level 2; moderately complex environments; medium to high-risk environments; health care; government; employment; finance.~~ **Rescinded.**

~~Rule 24. (1) Interpreters at standard level 2 may work in moderately complex environments and hold 1 of the following credentials:~~

~~(a) Michigan QA II, until phased out as provided in R 393.5021 (l)(a)(i).~~

~~(b) Michigan QA III, until phased out as provided in R 393.5021 (l)(a)(i).~~

~~(c) BEI II.~~

~~(d) RID CI (certificate of interpretation).~~

~~(e) RID CT (certificate of transliteration).~~

~~(f) NAD 4.~~

~~(g) RID NIC.~~

~~(h) RID NIC advanced.~~

~~(i) RID NIC master.~~

~~(j) RID OTC.~~

~~(2) Interpreters assigned to standard level 2 may interpret for a proceeding. Effective communication is required to be achieved in health care, government, employment, finance, and including but not limited to, any of the following situations:~~

~~(a) IEP (individualized education program) meeting involving D/DB/HH parent, staff member, or D/DB/HH professional.~~

~~(b) Meetings with speakers, trainings, or workshops for post-secondary education topics, employment, finance, or government.~~

~~(c) Interviews for jobs or job readiness and on-the-job training.~~

~~(d) Employment complaints or disciplinary actions.~~

~~(e) Employment related meetings, staff meetings, and sheltered employment.~~

~~(f) Political events.~~

~~(g) Financial, banking, and personal transactions.~~

~~(h) Government meetings.~~

~~(i) Presentations by dignitaries and public personalities.~~

~~(j) Plays, concerts, and television news.~~

~~(k) Tax assessment meetings and appeals.~~

~~(l) Applications for state or federal services.~~

~~(m) VRI services for all situations at this level.~~

~~(3) An interpreter shall hold a medical endorsement to interpret in a medical setting as prescribed in R 393.5028. Interpreters assigned to standard level 2 with a medical endorsement may interpret for a proceeding in the following environments and effective communication is required to be achieved:~~

~~(a) All health care situations beyond basic first aid involving a health care practitioner, doctor, rehabilitation specialist, therapist, psychologist, or psychiatrist.~~

~~(b) All health care administered in an emergency room, trauma center, urgent care facility, hospital, nursing home, triage, hospice, rehabilitation center, dialysis center, inpatient facility, outpatient facility, or mental health facility.~~

~~(c) Health-related and mental health-related presentations by speakers, trainings, and workshops.~~

~~(d) Addiction treatment, counseling, and psychiatric evaluations.~~

~~(4) Standard level 2 interpreters may interpret for a proceeding for standard level 1 environments. Effective communication is required to be achieved.~~

R 393.5025 ~~Standard level 3; high risk, legal environments.~~ **Rescinded.**

~~Rule 25. (1) Interpreters assigned to standard level 3 may work in high-risk environments and shall hold 1 of the following credentials and legal endorsement as prescribed in R 393.5028:~~

~~(a) Michigan BEI III, plus 4 years of experience post initial certification.~~

~~(b) DI, plus 4 years of experience post initial certification.~~

~~(c) RID CSC.~~

~~(d) RID MCSC.~~

~~(e) RID Reverse Skills Certificate.~~

~~(f) RID SC:L.~~

~~(g) RID CDI, plus 4 years of experience post initial certification.~~

~~(h) NAD 5.~~

~~(i) RID CI and CT.~~

~~(j) RID OTC.~~

~~(k) RID NIC, plus 4 years of experience post initial certification.~~

~~(l) RID NIC advanced, plus 4 years of experience post initial certification.~~

~~(m) RID NIC master, plus 4 years of experience post initial certification.~~

~~(n) RID CLIP-R.~~

~~(2) Interpreters assigned to standard level 3 with endorsements may interpret for a proceeding in the following environments; effective communication is required to be achieved:~~
~~(a) Forensic psychiatric evaluations or evaluations of a legal nature.~~
~~(b) Emergency broadcasts.~~
~~(c) Legal workshops or legal trainings .~~
~~(d) Legal VRI Interpreting.~~
~~(e) An activity involving the police, prison, or prisoners.~~
~~(f) An activity involving an attorney or the courts.~~
~~(g) An activity involving children's protective services.~~
~~(h) An activity involving probation or parole.~~
~~(3) An interpreter assigned to standard level 3 may interpret for a proceeding in standard level 1 and 2 environments. The interpreter shall achieve and obtain appropriate endorsements, and effective communication must be established and maintained.~~
~~(4) Criminal trials and police interrogations require the highest standard of interpreting and SC:L and/or CLIP-R certified interpreters shall be utilized when available. However, when a provider can document that no SC:L and/or CLIP-R is available and that all reasonable efforts to obtain one have been exhausted, an interpreter meeting the requirement for general legal endorsement as described in Rule 393.5028(5) may be used.~~

R 393.5026 ~~Educational interpreter qualifications.~~ **Rescinded.**

~~Rule 26. (1) An educational interpreter working in an elementary school environment (pre-kindergarten through 6th grade) shall, except as provided in subrule (8) of this rule, possess any of the following:~~
~~(a) An EIPA performance score of 4.0, EIPA elementary endorsement. If the EIPA 4.0 is first obtained after August 31, 2016, a passing score on the EIPA written test or a similar written test adopted by the division in cooperation with MDE.~~
~~(b) A division recognized certification that requires an equivalent child-based model testing instrument approved and certified by the division with advice from the department of education.~~
~~(c) A deaf interpreter credential and certification by the division.~~
~~(2) An educational interpreter working in secondary school environment (grade 7 to age 26) shall possess at least 1 of the following:~~
~~(a) An EIPA performance score of 4.0, EIPA elementary or secondary endorsement and, if the EIPA 4.0 is first obtained after August 31, 2018, a passing score on the EIPA written test or a similar written test adopted by the division in cooperation with MDE.~~
~~(b) A Michigan BEI 2.~~
~~(c) A minimum standard level 2 or 3.~~
~~(d) A division recognized certification that requires an equivalent child-based model testing instrument approved and certified by the division with advice from the department of education.~~
~~(e) A deaf interpreter credential and certification by the division.~~
~~(3) An interpreter meeting the certification requirements of subrule (1) or (2) of this rule may interpret for a proceeding for D/DB/HH children and youth only in the following, effective communication is required to be achieved:~~
~~(a) Elementary or secondary classroom or secondary vocational training.~~
~~(b) A 504 plan meeting or school based or transition setting in which the student is placed as determined appropriate by the IEP or 504 team.~~
~~(c) School-related disciplinary situations including manifestation determinations that do not involve police.~~
~~(d) Before and afterschool activities.~~
~~(e) Class trips.~~

~~(f) During an IEP (individualized education program meeting) for the student.~~
~~(g) High school vocational training.~~
~~(h) Another school-related activity.~~
~~(i) Any auxiliary services located within the school or related services listed on the IEP.~~
~~(j) As described in R 393.5051, an educational interpreter shall team with a standard level 2 or standard level 3 interpreter for medical, mental health, or legal situations including situations involving child protective services unless the the educational interpreter also is qualified to interpret in the relevant situation~~.

~~(4) Upon absence of a regularly assigned educational interpreter a long-term substitute interpreter, shall be used in an elementary environment when an absence is expected to last more than 20 school days. A long term-substitute shall be qualified to be an educational interpreter as described in subrule (3) of these rules except:~~

~~(a) In an elementary environment a long term substitute interpreter may possess a Michigan BEI 2, or minimum standard level 2 or 3.~~

~~(b) In a secondary environment a long-term substitute interpreter may possess an EIPA 3.5.~~

~~(5) Upon absence of a regularly assigned educational interpreter a short-term substitute interpreter, shall be used if the absence is expected to last 20 school days or less. A short-term substitute shall be qualified to be a long-term substitute interpreter as described in subrule (4) of this rule except that in an elementary environment a short term interpreter may possess an EIPA 3.5.~~

~~(6) An educational interpreter with 1 of the following credentials who is employed by a school district on the effective date of these rules, may continue to perform work duties assigned on or before the effective date, but only until the conclusion of that school year, after which time he or she shall be qualified as described in subrule (3) of this rule to continue employment:~~

~~(a) QA II or III.~~
~~(b) NAD 3.~~
~~(c) IC (Interpretation certificate).~~
~~(d) TC (transliteration certificate).~~

~~(7) Compliance with subrules (1) to (5) of this rule shall be accomplished by September 1, 2016.~~

~~(8) Following the effective date of these rules and until August 31, 2016, in both elementary and secondary settings, interpreters must possess an EIPA certification indicating a performance score of not less than 3.5 or standard level 2, standard level 3, or a Michigan BEI I. An EIPA certified interpreter holding an EIPA certificate of 4.0 or above shall not be required to retest, unless the certification is expired or lapsed 90 days or more beyond the expiration date of the credential card, as required under R 393.5092.~~

R 393.5027 ~~Exceptions; standard level designations.~~ **Rescinded.**

~~Rule 27. (1) A troupe member of a theater company, performing artist, dignitary, or speaker that utilizes sign language as part of his or her repertoire is not required to be a qualified interpreter, as the person signing is there for artistic purposes and is not upon the request of a D/DB/HH person for reasonable accommodation.~~

~~(2) During a state or national emergency, a person facilitating communication between a D/DB/HH person and first responders is exempt from these rules until a qualified interpreter may be found.~~

~~(3) Following the implementation of 4.0 as the educational standard, the director shall grant an exception to the standard at the request of the school district when all the following factors exist:~~

~~(a) An educational program has exhausted all reasonable efforts to locate an interpreter possessing the required standard.~~

~~(b) The educational program has informed the division in writing describing its attempts and inability to locate a properly qualified interpreter and the division has failed for a period of 14 days to provide the program with an appropriate and employable candidate.~~
~~(c) The rule from which the exception is granted would otherwise result in a D/DB/HH child being without communication access for his or her education.~~
~~(d) Other educational options such as enrollment in a Michigan School for the Deaf, participation in a regional deaf education program, or enrollment in a remote educational program have been discussed, evaluated, and considered with the parent or parents of the D/DB/HH child by the IEP team.~~
~~(e) The requirements of subdivisions (a) to (d) of this subrule shall be reviewed annually by the division and if granted, an exception is only effective through the end of the applicable school year.~~
~~(4) An interpreter granted an exception under subrule (3) of this rule shall provide both of the following:~~
~~(a) Proof of having received an EIPA score of 3.5 or higher within the past 24 months.~~
~~(b) Documentation establishing acquisition of 12 additional hours of educational interpreting training within the last 12 months, and annual maintenance of CEUs for educational interpreting.~~

R 393.5028 Special endorsements; deaf-blind; medical~~/and~~ **-** mental health; **and** legal.

Rule 28. (1) **A qualified interpreter shall hold a deaf-blind endorsement to interpret for a deaf-blind person in any setting. A qualified interpreter shall hold a medical-mental health endorsement or legal endorsement to interpret in a medical-mental health setting or legal setting. When interpreting in legal or medical-mental health settings with a deaf-blind individual, an interpreter shall possess both a deaf-blind endorsement and the appropriate legal or medical-mental endorsement.** ~~Beginning 2 years following the effective date of these rules, an~~ ~~endorsement shall be required to interpret for a proceeding in any of the following environments:~~
~~(a) Deafblind.~~
~~(b) Medical or mental health.~~
~~(c) Legal.~~

(2) An applicant for an endorsement shall submit all of the following:

(a) The required fee.

(b) A completed application on a form provided by the department.

(c) A statement signed by the applicant in which he or she attests to the information in the application, affirming that the applicant shall comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052, and affirming that he or she shall conduct himself or herself as required under these rules.

~~(2)~~ **(3)** ~~A qualified interpreter seeking~~ **An applicant for a deaf-blind endorsement to interpret for a deaf-blind person** ~~deafblind endorsement at any level~~ shall complete not less than ~~.8~~ **.4** CEUs **or 4 hours** per ~~4-year~~ **2-year** cycle in the subject ~~area~~ **areas** of deaf-blindness, deaf persons with low vision, and interpreting as it relates to the needs of ~~this population for endorsement involving a~~ deafblind or deaf low-vision persons.

(4) Beginning January 1, 2022, an applicant who applies for a deaf-blind endorsement to interpret for a deaf-blind person shall, in addition to meeting the requirements in subrules (1) and (2) of this rule, obtain a credential approved by the board that requires training substantially similar to the training in subdivisions (a) and (b) of this subrule or comply with both of the following requirements:

(a) Complete and document not less than 10 hours of training covering all of the following topics:

(i) Promoting autonomy.

(ii) Deaf-blind culture.

(iii) Role and duties of support service providers.

(iv) Various modes of communication used by a deaf-blind person.

(v) Impact of etiologies of vision and hearing loss on communication.

(vi) Working with a deaf-blind person to identify lighting, positioning, and communication preferences.

(vii) Current trends in the deaf-blind community and deaf-blind interpreting.

(b) Complete and document not less than 10 hours of training covering all of the following topics:

(i) Differences between touch-centric and visual-centric interpreting.

(ii) Communication touch tools including haptic and print-on-palm.

(iii) Techniques for conveying language in a tactile manner including touch signals, turn-taking, back-channeling, three-way conversations, and environmental cues.

(iv) Conveying relevant non-linguistic information including room descriptions, graphics, written texts, expressions, and actions through tactile means.

(v) Principles of protactile communication.

~~(3)~~ **(5)** ~~A qualified interpreter shall meet~~ **An applicant who applies for a medical-mental health endorsement to interpret in a proceeding in a medical or mental health setting shall comply with** all of the following requirements ~~for endorsement to interpret for a proceeding in medical or mental health settings~~:

(a) Pass **the Test for English Proficiency (TEP) or other** ~~an~~ English competency test **approved by the board** or possess a minimum of **a** bachelor's degree **that is taught in English** in any field from an accredited institution **pursuant to R 393.5053**.

(b) Qualify to interpret for a proceeding at ~~standard level 2 or 3~~**the advanced certification level**.

(c) Complete not less than ~~2.0~~ 1 medical or mental health CEU~~s~~ **or 10 hours** per ~~4-year~~ **2-year** cycle.

(d) ~~Successfully complete~~ **Complete** a ~~skills development~~ **medical interpreter training** course that focuses on sign language concepts and interpretation of medical vocabulary.

(6) Beginning January 1, 2022, an applicant who applies for a medical-mental health endorsement to interpret in a proceeding in a medical or mental health setting shall, in addition to meeting the requirements in subrules (1) and (2) of this rule, comply with all of the following requirements:

(a) Pass the TEP or other English competency test approved by the board or possess a minimum of a bachelor's degree that is taught in English in any field from an accredited institution pursuant to R 393.5053.

(b) Qualify to interpret for a proceeding at the advanced certification level.

(c) Obtain a credential approved by the board that requires training substantially similar to the training in paragraphs (i) and (ii) of this subdivision or comply with both of the following:

(i) Complete and document not less than 15 hours of medical interpreter training covering all of the following topics:

(A) Laws and regulations related to health care.

(B) Ethical decision making in health care settings, including the National Council on Interpreting in Health Care (NCIHC) code of ethics.

(C) Structure of health care systems.

(D) Roles and responsibilities for medical interpreters in a health care team, including working with D/DB/HH medical providers.

(E) Health care and the deaf community.

(F) Medical terminology, procedures, and protocol.

(G) Anatomy and physiology.

(H) Mechanics and boundaries for medical interpreting.

(I) Settings and assignments for medical interpreting.

(ii) Complete and document not less than 15 hours of mental health interpreting training covering the following topics:

(A) Laws and regulations related to mental health.

(B) Ethical decision making in mental health settings.

(C) Roles and responsibilities for mental health interpreters in a health care team.

(D) Major mental illnesses and symptomology.

(E) Substance abuse symptoms, assessment and treatment.

(F) Common mental health treatment approaches.

(G) Behavioral health related to individuals with developmental disabilities.

(H) Mental health terminology, procedures, and protocol.

(I) Language dysfluency.

(J) Transference and countertransference.

(K) Impact of interpreters on mental health assessments.

(L) Mechanics and boundaries for mental health interpreting.

(M) Settings and assignments for mental health interpreting.

~~(4)~~ **(7) An applicant who applies for a legal endorsement to interpret in a legal proceeding or environment** ~~For an endorsement to interpret a proceeding in a legal setting, a qualified interpreter~~ shall ~~possess an~~ **meet 1 of the following:**

(a) Possess an RID SC:L**,** ~~or~~ an **RID** CLIP-R**, or other legal certification approved by the board that is substantially similar to an RID SC:L or an RID CLIP-R** and complete not less than ~~2.0~~ **1.0** legal CEU~~'s~~ **or 10 hours** per 4 ~~year~~ **2-year** cycle.

~~(5)~~**(b)** ~~An interpreter who does not possess either a SC:L or CLIP-R certificate shall complete all of the following requirements to obtain an endorsement for interpreting in a legal proceeding~~ **Complete all of the following**:

~~(a)~~ **(i)** Pass **the TEP or other** ~~an~~ English competency test **approved by the board** ~~administered by the division, SCAO, or another approved agency,~~ or possess a minimum of a bachelor's degree **taught in English** in any field from an accredited institution **pursuant to R 393.5053**.

~~(b)~~ **(ii)** Obtain certification for 1 of the ~~certificates~~ **following credentials** ~~listed under level 3 standards.~~**:**

(A) BEI Master plus 4 years of experience post initial certification.

(B) RID CSC.

(C) RID MCSC.

(D) RID RSC.

(E) RID CDI or RID PDIC. Use of the RID PDIC expires 12 months after the availability of the RID deaf interpreter performance examination.

(F) NAD V.

(G) RID CI and CT.

(H) RID OTC.

(I) RID NIC plus 4 years of experience post initial certification.

(J) RID NIC Advanced plus 4 years of experience post initial certification.

(K) RID NIC Master plus 4 years of experience post initial certification.

(L) A credential approved by the board that is substantially similar to any of the credentials listed in this subdivision.

~~(c) Successfully complete court orientation training offered by the division~~.

~~(d)~~ **(iii)** Complete not less than ~~2.0~~ 1 legal interpreting CEU~~s~~ **or 10 hours** per ~~4-year~~ **2-year** cycle.

~~(e)~~ **(iv)** ~~Successfully complete~~ **Complete** a ~~skills development~~ **legal interpreter training** course that focuses on sign language concepts and interpretation of legal vocabulary.

~~(f)~~ **(v)** Meet 1 of the following**:** ~~educational and mentoring selections:~~

~~(i)~~ **(A) Possess** ~~A~~ **a** bachelor's degree from an accredited institution **pursuant to R 393.5053** in any field or an ~~associate's~~ **associate** degree in interpreting from an accredited institution **pursuant to R 393.5053**, and **meet** all **of** the following additional education and experience:

~~(a)~~ **(I)** ~~Documentation of~~ **Complete and document** ~~not less than~~ **not less than** 50 **hours** of legal interpreting or mentoring experience.

~~(b)~~ **(II) Complete and document** ~~Documentation of not less than~~ **not less than** 30 **hours** of formal legal interpreter training.

~~(c)~~ **(III)** ~~Documentation of~~ **Complete and document** ~~not less than~~ **not less than** 4 years of post-certification interpreting experience.

~~(ii)~~ **(B) Possess** ~~An~~ **an** associate degree in any field from an accredited institution **pursuant to R 393.5053** and **meet** all **of** the following additional education and experience:

~~(a)~~ **(I)** ~~Documentation of not less than~~ **Complete and document not less than** 75 hours of legal interpreting or mentoring experience.

~~(b)~~ **(II)** ~~Documentation of not less than~~ **Complete and document not less than** 50 hours of formal legal interpreter training.

~~(c)~~ **(III)** ~~Documentation of not less than~~ **Complete and document not less than** 4 years of post-certification interpreting experience.

~~(iii)~~ **(C) Possess a** ~~High~~ **high** school diploma and **meet** all of the following additional education and experience:

~~(a)~~ **(I)** ~~Documentation of not less than~~ **Complete and document not less than** 100 hours of legal interpreting or mentoring experience.

~~(b)~~ **(II)** ~~Documentation of not less than~~ **Complete and document not less than** 70 hours of formal legal interpreter training.

~~(c)~~ **(III)** ~~Documentation of not less than~~ **Complete and document not less than** 4 years of post-certification interpreting experience.

(8) Beginning January 1, 2022, an applicant who applies for a legal endorsement to interpret in a legal proceeding or environment shall comply with either of the following:

(a) Possess an RID SC:L, an RID CLIP-R, or other legal certification approved by the board that is substantially similar to an RID SC:L or an RID CLIP-R.

(b) Complete all of the following requirements:

(i) Pass the TEP or other English competency test approved by the board or possess a minimum of a bachelor's degree taught in English in any field from an accredited institution pursuant to R 393.5053.

(ii) Obtain certification for 1 of the following credentials:

(A) BEI Master plus 4 years of experience post initial certification.

(B) RID CSC.

(C) RID MCSC.

(D) RID reverse skills certificate.

(E) RID CDI, or RID PDIC. Use of the RID PDIC expires 12 months after the availability of the RID deaf interpreter performance examination.

(F) NAD V.

(G) RID CI and CT.

(H) RID OTC.

(I) RID NIC plus 4 years of experience post initial certification.

(J) RID NIC Advanced plus 4 years of experience post initial certification.

(K) RID NIC Master plus 4 years of experience post initial certification.

(L) A credential approved by the board that is substantially similar to any of the credentials listed in this subdivision.

(iii) Possess a high school diploma or equivalent.

(iv) Complete and document not less than 75 hours of legal mentoring experience with an interpreter who holds an RID SC:L, an RID CLIP-R, or other legal certification approved by the board that is substantially similar to an RID SC:L or an RID CLIP-R for not less than 4 years before mentoring.

(v) Complete and document not less than 20 hours of trial observation or mock trial training. This requirement may be met with hours used to meet paragraph (iv) of this subdivision.

(vi) Obtain a credential approved by the board that requires training substantially similar to the training in this paragraph or complete and document not less than 50 hours of training in interpreting concepts in the legal setting covering the following topics:

(A) Sign language concepts, vocabulary, and interpreting in legal settings.

(B) Criminal, civil, and specialized court proceedings and procedure.

(C) Importance of the record for permanency.

(D) Privileged communication.

(E) The fifth amendment of the U.S. Constitution and rights referred to in the Miranda warning.

(F) Use of deaf interpreters in legal settings.

(G) General processes in the law enforcement system.

(H) This state's and federal legislation and regulations regarding the use of interpreters in legal proceedings.

(I) Conflicts of interest and disclosure on the court record.

(J) Roles of courtroom interpreters and the legal basis for each role.

(K) Duties and obligations of the interpreter as an officer of the court.

(L) Ability to advocate for proper staffing of legal assignments and access to salient case-related material.

(vii) Document and complete not less than 4 years of post-advanced certification level interpreting experience.

(9) An endorsement application is valid for 1 year from the date the department receives the application.

R 393.5029 ~~Establishing temporary use of other means of communication in medical emergencies.~~ **Interpreter trainee permit; application and renewal; practices; supervision.**

Rule 29. ~~(1) In emergency situations, when the health and/or safety of a D/DB/HH person or person represented by a D/DB/HH person is in immediate danger and 1 or more of the provisions of these rules cannot be immediately complied with, an appointing authority may temporarily establish other means of communication, provided all of the following conditions are satisfied:~~

~~(a) Attempts to locate a qualified interpreter comply with the rules and effective communication has begun, continues unabated, and all provisions are complied with as soon as possible.~~

~~(b) An alternative and more effective means of communication is not available, and any such means that becomes available is immediately utilized.~~

~~(c) The D/DB/HH person is informed of the temporary inability to provide compliant interpreting services, the status of efforts to obtain compliant interpreting services, and when compliant interpreting services are anticipated to become available.~~

~~(d) The D/DB/HH person is made aware of all communication options presently available and is provided the opportunity to determine how to proceed. Such means of communication may include, but are not limited to, a person who signs, written notes, sign language pictographs, or other means. VRI that does not comply with R 393.5055 may also be temporarily used pursuant to this rule, but only to include a properly qualified interpreter.~~

~~(e) All efforts to obtain compliant interpreting services and all temporary options discussed with the D/DB/HH person are documented and available for review.~~

~~(f) A D/DB/HH person's determination of which available option comes closest to providing effective communication is determinative, and it shall be the means of communication temporarily utilized until effective communication can be properly established.~~

~~(2) Communication provided in subrule (1) of this rule may include, but is not limited to, a person who signs, VRI, written notes, sign language pictographs, or other means. The ability permitted by this rule for an appointing authority to temporarily establish other means of communication does not relieve it of any obligation to provide qualified interpreters in a timely manner as required by these rules. Nor does it lessen legal responsibility for malfeasance, misfeasance, or other failure to reasonably predict and prepare to meet a legal requirement to provide a properly qualified interpreter, or which would have otherwise reasonably have prevented the need to rely on this rule.~~

(1) An applicant for an interpreter trainee permit, who does not hold an interpreter certification from this state, and does not hold an interpreter license, registration, or certification in another state, may submit to the department a completed application on a form provided by the department with the requisite fee and all of the following for an interpreter training permit:

(a) A copy of a valid government photo-identification.

(b) Evidence of attainment of 18 years of age.

(c) A statement signed by the applicant agreeing to comply with the administrative rules, and this state's laws and federal laws applying to interpreters.

(d) A statement signed by the applicant in which he or she attests to the information in the application and affirms that the applicant shall comply with NAD-RID code of professional conduct, adopted by the board in R 393.5052.

(e) Proof of good moral character under R 393.5033.

(f) Proof of license, registration, or certification verification from all other states in the United States in which the applicant ever held a license, registration, or certification as an interpreter, including any record of past or pending disciplinary action.

(g) Copy of an associate, bachelor's, master's, or doctorate degree from an interpreter program at an accredited institution, pursuant to R 393.5053.

(h) Proof of passing the TEP or other English competency test approved by the board or possess a minimum of a bachelor's degree taught in English in any field from an accredited institution pursuant to R 393.5053.

(i) Proof of having failed the BEI basic test or another interpreter examination approved by the board.

(2) The interpreter training permit is valid for 1 year from the date of issuance. An interpreter training permit shall be renewed annually but may not be renewed for more than 3 consecutive years after the initial year, for a total of no more than 4 years. At renewal, the applicant shall submit to the department a completed renewal application on a form provided by the department, the requisite fee, and proof of having taken and failed the BEI basic test within the last 9 months.

(3) An interpreter trainee shall be supervised by a qualified interpreter who has a current state certification, has no past or pending disciplinary actions, has submitted a supervisor application, has been approved by the department, and has agreed to meet the requirement in R 393.5029a before the training begins.

(4) An interpreter trainee may interpret in a basic or advanced level setting described in R 393.5022 as directed by his or her supervisor if the interpreter trainee complies with all of the following:

(a) Interpretation is performed under the supervision or his or her supervisor. Supervision requires that the supervisor is present with the interpreter trainee at all times.

(b) An interpreter trainee interprets only in settings where a basic qualified interpreter or advanced qualified interpreter is allowed to interpret, and in a setting where the supervisor holds the proper certification and endorsements. An interpreter trainee may not interpret in an educational or legal setting.

(c) An interpreter trainee shall not hold himself or herself out to the public as being engaged in the practice of interpreting as a qualified interpreter or provide interpreter services outside his or her interpreter training permit.

(d) The agreement to interpret shall be between the supervisor and appointing authority or D/DB/HH person. An interpreter trainee shall not be paid for his or her interpreting services.

(e) At the initial introduction with a D/DB/HH person, the interpreter trainee shall show his or her training permit pocket card to the D/DB/HH person and wear the pocket card on his or her body in a location where it can be seen by others.

(f) An interpreter trainee permit must be obtained and maintained during the entire training experience.

(g) An interpreter trainee shall submit quarterly proof of his or her training on a department form, including the name of the appointing authority, the location of the interpreting, the level of interpreting, and the times of the interpreting.

(h) An interpreter trainee shall not be hired to interpret under R 393.5041 or R 393.5042, which allows for exceptions and waivers to these rules.

(i) Except for the continuing education requirements in part 8 of these rules, an interpreter trainee shall comply with these administrative rules, state and federal laws applying to interpreters, and the NAD-RID code of professional conduct, adopted by the board in R 393.5052.

R 393.5029a. Interpreter trainee supervisor.

Rule 29a. (1) Before serving as a supervisor, a qualified interpreter who meets the requirements of subrule (2) of this rule shall submit to the department a completed application on a form provided by the department to serve as a supervisor.

(2) A supervisor shall hold an unrestricted advanced level certification as a qualified interpreter from this state, for not less than 4 years, that is currently in good standing, before supervising.

(3) A supervisor shall do all of the following while acting as a supervisor:

(a) Obtain the consent of the D/DB/HH person and appointing authority before allowing the interpreting trainee to participate and before introducing the trainee to the D/DB/HH person. In the case of a minor, permission shall be obtained from the minor's parents or legal guardian. If a team of interpreters is being used, obtain permission from each member of the team of interpreters.

(b) Sign a department form agreeing to the requirements of this rule and R 393.5029 before acting as a supervisor.

(c) Prohibit a trainee to substitute for a qualified interpreter.

(d) Supervise only for the proceedings for which the supervisor holds the appropriate level of certification and endorsements required for the interpreting assignment in which he or she is engaging.

(e) Refrain from supervising if under disciplinary review or action.

(f) Assess the interpreting trainee's interpreting skills, provide feedback, and modify the practical experience whereby the interpreting trainee can improve his or her skills.

(g) Annually submit a department form in which he or she attests to the interpreting trainee's type of interpreting experience and number of hours earned.

(4) A supervisor may stop supervising at any time by contacting the department and the trainee in writing with 7 calendar days' notice.

PART 3. ~~PROCEDURES FOR~~ **TESTING,** APPLICATION, CERTIFICATION, AND LISTING

R 393.5030 Testing; department issued certificate.

Rule 30. (1) Before taking the BEI basic, advanced, or master test, an applicant shall have taken and passed the TEP. An applicant may take and pass the TEP only 1 time.

(2) The department shall schedule an applicant to take the BEI test after he or she submits all the following:

(a) A completed application on a form provided by the department to take an appropriate level test.

(b) Proof of having obtained the basic or advanced interpreter certification if sitting for the BEI advanced test.

(c) Proof of having obtained the advanced interpreter certification if sitting for the BEI master test.

(d) A valid state-issued or government-issued photo identification.

(e) Verification of being of 18 years of age at the time of application for testing.

(f) Fees required for testing as required under section 8e of the act, MCL 393.508e.

(g) Proof of good moral character under R 393.5033.

(h) Proof of any current interpreter credentials.

(i) Verification from all other states in the United States in which the applicant holds or ever held a license, registration, or certification as an interpreter, including any record of past or pending disciplinary action.

(3) Upon achieving acceptable passing scores on an interpreter test administered by this state or another test accepted by the board, the applicant may submit an application to the department for certification and listing in MiPLUS as a qualified interpreter as required in R 393.5031.

(4) An application to take the BEI basic, advanced, or master test is valid for 2 years from the date the department received the application.

R 393.5030a Retesting; recertification.

Rule 30a. (1) An applicant who has taken the certification test under this state's testing system and has passed the BEI basic test, BEI advanced test, or BEI master test does not have to retest as long as his or her state certification does not lapse under R 393.5092(6)(b).

(2) An applicant who was certified based on a national credential or the state-recognized EIPA credential of 4.0 or greater does not have to retest to renew his or her certification as long as his or her state certification does not lapse under R 393.5092(6)(b).

R 393.5031 Application for certification**; requirements** ~~by division~~.

Rule 31. (1) **Upon achieving an acceptable passing score on an interpreter test administered by this state or another test accepted by the board, an applicant for certification as a qualified interpreter shall submit a completed application on a form provided by the department, the required fee, and** ~~The division shall certify and list an in-state or out-of-state applicant who submits~~ **all** ~~1~~ of the following to the ~~division~~ **department**~~, as applicable~~ **to apply for a basic qualified interpreter, advanced qualified interpreter, educational qualified interpreter, or DI certification and listing on MiPLUS as a qualified interpreter**:

(a) A copy of a valid government photo identification.

(b) Evidence of being 18 years of age at time of application for certification.

(c) A statement signed by the applicant in which he or she agrees to comply with the administrative rules, this state's laws, and federal laws applying to interpreters.

(d) A statement signed by the applicant in which he or she attests to the information in the application and affirms that he or she will comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052, and will conduct him or herself as required under these rules.

(e) Proof of good moral character under R 393.5033.

(f) Proof of license, registration, or certification verification from all other states in the United States in which the applicant holds or ever held a license, registration, or certification as an interpreter including any record of past or pending disciplinary action.

(g) Proof of 1 of the following:

~~(a) An application for recognition as a state-certified interpreter, and all of the following:~~

(i) Acceptable passing scores on the ~~state-administered~~ **state-administered** interpreter test or any other test accepted by ~~this state~~ **the board for certification, and** ~~or any other state that has a reciprocal agreement with the division for an appropriate level test~~.

~~(ii) Payment of the fee prescribed in MCL 393.508e.~~

~~(iii) Four years after the effective date of these rules,~~ possession of an ~~associate's~~ **associate** or higher degree from an accredited institution **pursuant to R 393.5053**. **An applicant possessing state certification or an RID certification before July 7, 2018, is exempt from the degree requirement of this paragraph, unless the state or an RID certification has lapsed for more than 30 calendar days.**

~~(b) An application for recognition as a nationally certified interpreter, and both of the following:~~

~~(i)~~ **(ii)** A copy of the ~~interpreter's~~ **applicant's** RID membership card which shows the type of **RID** certification and a current expiration date.

~~(ii) Payment of the fee prescribed in MCL 393.508e.~~

~~(c) A holder of a current QA I, QA II, and QA III, an application, a copy of the interpreter's currently held professional credential, and payment of the fee prescribed in MCL 393.508e may be submitted for renewal until the QA I, QA II, and QA III are phased out.~~

~~(d) An application for state recognized EIPA certification, and all of the following:~~

~~(i)~~ **(iii) An** ~~Acceptable~~ **acceptable** passing ~~scores~~ **score** on the EIPA **performance** examination. ~~.~~ **or a certification accepted by the department with advice from the MDE that is based on a testing instrument and a score that is substantially similar to a 4.0 on the elementary or secondary EIPA examination. Beginning January 1, 2022, an applicant shall also submit all of the following:**

(A) An acceptable passing score on the EIPA written test.

~~(ii) Modality~~ **(B) The modality** utilized while taking the test.

~~(iii) Verification~~ **(C) Verification** that the ~~interpreter~~ **applicant** is ~~certified~~ **credentialed** at the elementary or secondary level.

(D) A statement signed by the applicant in which the applicant affirms that he or she will comply with the current version of the EIPA Guidelines of Professional Conduct for Educational Interpreters found at https://www.classroominterpreting.org/Interpreters/proguidelines/EIPA_guidelines.pdf at no cost.

~~(iv)~~ **(E) The** ~~Payment of the fee prescribed in MCL 393.508e.~~ **RID CDI, the RID PDIC, or another deaf interpreter credential approved by the board that is substantially similar to the RID CDI certification. Use of the RID PDIC expires 12 months after the availability of the RID deaf interpreter performance test.**

~~(2) An interpreter possessing state or national certification before the effective date of these rules is exempt from degree requirements of subrule (1)(a)(iii) of this rule unless the certification has lapsed for more than 30 calendar days.~~

~~(3) Applications shall be submitted on original forms provided by the division, completed and signed by the applicant, and shall include all of the following:~~
~~(a) A copy of a valid state photo-identification.~~
~~(b) Evidence of attainment of 18 years of age at time of application.~~
~~(c) A statement signed by the applicant agreeing to comply with rules and regulations for state certification as an interpreter.~~
~~(d) A statement signed by the applicant verifying the truthfulness of provided, and affirming that the applicant will comply with the NAD-RID code of professional conduct, as provided in R 393.5052, will comply with the EIPA Guidelines of Professional Conduct for Educational Interpreters, Version August 1, 2007, and will conduct him or herself as required under these rules.~~
~~(e) The application fee required under MCL 393.508e.~~
~~(f) Contact information for the applicant.~~
~~(4)~~ **(2)** The ~~division~~ **department** may require additional documentation from the applicant if the ~~division~~ **department** questions the accuracy or authenticity of submitted documentation, because of discrepancies or incomplete information, or because there is a need for clarification.
(3) If a qualified interpreter applies for a new state certification when he or she already holds a state certification based on a different credential, the new state certification expires biennially on the same date the initial state certification was issued.
(4) An application is valid for 1 year from the date the department received the application.

R 393.5032 ~~Reciprocity.~~ **Rescinded.**
Rule 32. ~~An applicant for certification by reciprocity shall do all of the following:~~
~~(a) Supply all documentation as applicable and required under R 393.5031.~~
~~(b) Pay all associated fees.~~
~~(c) Hold a current, valid license or certificate in good standing to practice interpreting in a state with which this state has a reciprocal agreement.~~
~~(d) Not have a report of disciplinary action pending in another state, nor a certificate, registration, or license currently under disciplinary action.~~
~~(e) Agree to comply with all rules under the act.~~

R 393.5033 Good moral character.
Rule 33. (1) The ~~division~~ **department** shall not issue certification, renew certification, **recertify,** ~~nor~~ **or** test for certification, if the applicant lacks good moral character.
(2) The **judgment of guilt in a criminal prosecution** ~~conviction~~ for any of the following ~~felonies~~ **offenses under the Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568, or a similar penal code in another state,** by an applicant in a court of competent jurisdiction in any state, shall be evidence ~~of~~ **that the applicant is not likely to serve the public in a fair, honest, and open manner in the determination of his or her good moral character consistent with the requirements in 1974 PA 381, MCL 338.41 to 338.47**~~a lack of good moral character~~:
(a) Homicide.
(b) Murder **or attempt to murder**.
(c) Manslaughter.
(d) Criminal sexual conduct in any degree or assault with intent to commit criminal sexual conduct.
(e) ~~Felonious assault~~ or **Assault, assault and** battery**, aggravated assault**.
(f) Armed robbery.
(g) Extortion.
(h) Larceny.
(i) Embezzlement.

(j) ~~Elder exploitation~~ **Vulnerable adult abuse**.

(k) Abduction or kidnapping.

(l) Adulterating or misbranding drugs.

(m) False advertising.

(n) False impersonation.

(o) Breaking and entering.

(p) Bribery or corruption.

(q) Child abuse.

(r) Accosting, enticing, or soliciting a child for immoral purposes.

(s) Child sexual abuse.

(t) Forgery or counterfeiting.

(u) Aggravated stalking.

(v) Perjury.

(w) Human trafficking.

(x) Fraud.

(3) **If a judgment of guilt in a criminal prosecution is used to determine an applicant's good moral character, his or her state department of corrections certificate of employability, pursuant to section 34d of the corrections code of 1953, 1953 PA 232, MCL 791.234d, if any, must also be taken as evidence in the determination.**

(4) This rule does not apply to an applicant ~~with~~ **who has any of the following:**

(a) An arrest not followed by a conviction.

(b) Records of conviction that have been reversed, vacated, ~~an~~ expunged**,** ~~record or pardon~~ **or pardoned.**

(c) Records of arrest or conviction for a misdemeanor or felony unrelated to his or her likelihood to serve the public in a fair, honest, and open manner.

(d) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

~~(4)~~ **(5)** The ~~division~~ **department** shall provide the applicant with **a** written ~~notice~~ **statement** regarding the findings in subrule (1) of this rule ~~as evidencing a lack of good moral character~~.

~~(5)~~ **(6) The applicant must receive a hearing before the department under either of the following circumstances:**

(a) If he or she has relevant evidence not previously considered regarding his or her qualifications. ~~An appeal may be granted only in either or both of the following circumstances:~~

~~(a) Inaccurate information was used in determining denial.~~

~~(b) A felony was considered that was committed as a minor.~~

(b) To rebut the department's use of a judgment of guilt in a criminal prosecution as a determination of his or her lack of good moral character, by showing any of the following:

(i) That currently he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner.

(ii) That he or she is rehabilitated.

(iii) That the substance of the former offense is not reasonably related to the occupation or profession for which he or she is seeking a certification.

PART 4. ~~PROCEDURES FOR TESTING~~ EXCEPTION, WAIVER, EXEMPTIONS

R 393.5041 ~~Testing; division issued certificate.~~ **Exception to 4.0 educational standard.**

Rule 41. ~~(1) The division shall schedule an applicant for testing who submits all the following:~~

~~(a) A fully completed application on forms provided by the division to take an appropriate level test.~~

~~(b) Evidence of graduation from high school or a GED.~~
~~(c) Four years after the effective date of these rules, a copy of an associate's or higher degree from an accredited institution, or proof of having maintained current state or national certification before the effective date of these rules.~~
~~(d) Valid state photo identification.~~
~~(e) Verification of attainment of 18 years of age at the time of the application for testing.~~
~~(f) Fees required for examination as required under MCL 393.508e.~~
~~(2) Upon achievement of acceptable passing scores on an interpreter test administered by this state or another state with which the division has a reciprocal agreement, the applicant may submit an application to the division for credentialing and listing as a qualified interpreter with an application as required in R 393.5031.~~

(1) A school district that has been granted an exception from the 4.0 educational standard by the department under the prior rules may continue to act under that exception until the end of the school year for which the exception was granted and at that time the school district shall meet the requirements of subrules (2) to (6) of this rule for an exception to the required 4.0 or higher performance score on the EIPA examination.

(2) A school district and the interpreter applying to be a substitute or regularly assigned interpreter may annually file for an exception to the 4.0 or higher performance score on the EIPA examination and the department may grant the exception if all of the following conditions are met:

(a) Both the school district and interpreter submit a completed application on a form provided by the department.

(b) The school district includes the consent of a parent or guardian that he or she has been notified in writing that the school district is unable to hire a qualified interpreter who meets the required standards in these rules.

(c) The school district has exhausted all reasonable efforts to locate a qualified interpreter who possesses the required standard to fill the position as determined by the department when considering, including but not limited to, all of the following:

(i) Proof of advertising for the position, including a copy of the notice, a list of where it was posted, and the dates of posting. The postings must remain active while the application for exception is pending.

(ii) Proof that the salary offered is sufficient compared to salaries offered for similar positions in this state.

(iii) An explanation of how MiPLUS was used to identify and contact possible applicants for the position.

(d) Proof that the school district has informed the department in writing describing its attempts and inability to locate a qualified interpreter who possesses the required 4.0 or higher performance score on the EIPA examination.

(e) Without the exception, a D/DB/HH student would be without communication access for his or her education.

(f) Other educational options including enrollment in the Michigan School for the Deaf, participation in a regional deaf education program, or enrollment in a remote educational program have been discussed with, evaluated by, and considered with the parent or parents of the D/DB/HH student by the IEP team.

(3) An exception is effective through the end of the applicable school year.

(4) The interpreter under subrule (2) of this rule shall submit all of the following to the department:

(a) Proof of having passed the EIPA written test and received an EIPA examination performance score of 3.5 to 3.9 on either the elementary or secondary examination, depending on where the applicant is interpreting, within the 24-month period immediately before September 1 of the school year for which the exception is being requested.

(b) Documentation of 2 CEUs or 20 hours in educational interpreting training within the 12-month period immediately preceding September 1 of the school year for which the exception is being requested.

(c) Proof of good moral character under R 393.5033.

(d) Proof of license, registration, or certification verification from all other states in the United States in which the interpreter holds or ever held a license, registration, or certification as an interpreter including any record of past or pending disciplinary action.

(5) An interpreter working within a school pursuant to this rule shall provide the school with a copy of the state exception approval letter not less than annually and the school district shall ensure a copy of the state approval letter is maintained on file at the school and available for public review upon request.

(6) An application is valid for 1 year from the date the department received the application.

R 393.5042 ~~Retesting; recertification; other tests required.~~ **Signing waiver or exception; compensation.**

Rule 42. ~~(1) A person tested under the state testing system for certification shall participate in a 4-year testing cycle and retest at the next higher level of certification until passing the MI BEI II or its equivalent. After passing the MI BEI II or its equivalent, the person is not required to retest every 4 years as long as the certification does not lapse.~~

~~(2) A person who is required to retest will retain his or her current level of certification.~~

~~(3) A person holding **a** current national certification or the state-recognized EIPA certification of 4.0 shall not be required to retest to renew his or her certification.~~

(1) Under section 3 of the act, MCL 393.503, a D/DB/HH person may request a waiver from the right to a qualified interpreter, if the arrangement is in writing, and the writing is signed by the D/DB/HH person, his or her legal counsel and the interpreter if applicable, and the appointing authority.

(2) A D/DB/HH person, or parent or legal guardian of a minor child, shall not be coerced, threatened, or intimidated into signing a waiver under section 3(3) of the act, MCL 393.503, or an exception under part 4 of these rules, to utilize an interpreter or a person who signs and who is not otherwise appropriately trained and who does not hold an interpreter certification in this state. Any agreement obtained under these circumstances is void. A waiver, exception, or other decision to proceed with an interpreter or a person who is not appropriately trained and who does not hold an interpreter certification from this state does not obviate or mitigate the responsibility to provide a qualified interpreter.

(3) An interpreter trainee and student interpreter may not request to interpret nor interpret pursuant to a waiver.

R 393.5045 ~~Accommodation; alternative pathway deaf interpreter certification.~~ **Exemptions from state certification.**

Rule 45. ~~The division shall create as a reasonable accommodation in the absence of a standardized testing tool an alternative pathway toward state certification for deaf and hard of hearing persons to become qualified. The alternative pathway shall be structured to give weight to a person's experience, training, non-institutional training, and innate skills, and shall be flexible so as to enable the deaf or hard of hearing person to demonstrate requisite knowledge and skills.~~

(1) An out-of-state troupe member of a theater company, a performing artist, a dignitary, or a presenter who utilizes sign language as part of his or her repertoire for no more than 15 calendar days in any given calendar year is not in violation of the act or these rules for interpreting without a state certification.

(2) During an emergency situation, when the health or safety of a D/DB/HH person or person represented by a D/DB/HH person is in immediate danger, and when a person cannot immediately comply with these rules, the person who is facilitating communication between a D/DB/HH person and a first responder or appointing authority is not in violation of the act and these rules for interpreting without a state certification, until a qualified interpreter may be found, if all of the following are satisfied:

(a) Attempts to locate a qualified interpreter comply with these rules and effective communication has begun, continues unabated, and all provisions of these rules are complied with as soon as possible.

(b) An alternative and more effective means of communication is not available, and any alternative or more effective means that becomes available is immediately utilized.

(c) If possible, the D/DB/HH person is informed of the following and is given the opportunity to determine how to proceed:

(i) Temporary inability to provide compliant interpreting services.

(ii) The status of efforts to obtain compliant interpreting services.

(iii) When compliant interpreting services are anticipated to become available.

(iv) All communication options presently available. For purposes of this paragraph, both of the following apply:

(A) Means of communication may include, but are not limited to, a person who signs, written notes, and sign language pictographs.

(B) VRI that does not comply with R 393.5055 may also be temporarily used pursuant to this subrule, but only with a properly qualified interpreter.

(d) After a D/DB/HH person determines which available option comes closest to providing effective communication it shall be the means of communication temporarily utilized until effective communication can be properly established.

(e) An appointing authority shall document its efforts to obtain compliant interpreting services and its efforts to obtain all temporary options discussed with the D/DB/HH person. An appointing authority shall maintain this documentation for 2 years following the emergency. The department may require an appointing authority to submit evidence to demonstrate compliance with this rule.

(3) A student intern, as regulated under R 393.5054, who engages in interpreting activities and services that constitute a part of a supervised course of study where the student intern clearly designates himself or herself as a student intern does not violate the act and these rules for interpreting without a state certification.

(4) The ability of an appointing authority to temporarily establish other means of communication, as permitted by this rule, does not relieve it of any obligation to provide a qualified interpreter in a timely manner as required by the act and these rules. In addition, this does not lessen the legal responsibility for malfeasance, misfeasance, or other failure to reasonably predict and prepare to meet a legal requirement to provide a properly qualified interpreter, which otherwise would have reasonably prevented the need to rely on this rule.

PART 5. MINIMUM STANDARDS OF PRACTICE

R 393.5051 Practice within standard level**; interpreter identification; conflicts with rules**.

Rule 51. (1) ~~A qualified interpreter shall interpret for a proceeding within his or her standard level, unless otherwise provided in these rules and the act.~~

~~(2) Before starting a proceeding, an interpreter shall show his or her current Michigan qualified interpreter credential card to the appointing authority and D/DB/HH person(s). If the credential pocket card does not include a photograph, the qualified interpreter must present it along with valid government issued photo identification.~~ **In all proceedings and environments, an interpreter shall provide effective communication. A qualified interpreter shall interpret for a proceeding allowed within his or her type of certification level, unless otherwise stated in the act or these rules.**

~~(3)~~ **(2)** ~~An interpreter working within a school shall provide the school with a copy of his or her current credential card at least annually and shall ensure a copy of the credential card is maintained on file at the school and available for public review upon request.~~ **Upon request by a D/DB/HH person or appointing authority, a qualified interpreter, interpreter by waiver, interpreter by exception, or interpreter trainee shall show his or her current pocket card and proof of waiver or exception if applicable, and convey his or her full name to the appointing authority and D/DB/HH person. If the pocket card does not include a photograph, the interpreter shall present the pocket card along with a valid government issued photo identification. If the interpreter by waiver or student intern has not been issued a pocket card, he or she shall present a valid government issued photo identification.**

~~(4) If there is a conflict between these rules and a local, state, or federal law, the interpreter shall comply with the law. All interpreters in this state must comply with all federal regulations established by the United States Department of Justice under title II and III of the Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008. These rules are intended to supplement state and federal laws and shall be read to be consistent with state and federal law if more than 1 interpretation is possible.~~

(3) A contractor or regular employee, regardless of job title, whose essential job function is to interpret or facilitate communication between a D/DB/HH person and a non-signing person shall hold appropriate state certification and endorsements.

~~(5)~~ **(4)** A qualified interpreter ~~may interpret for a proceeding for a co-worker or peer during organizational meetings, workshops, seminars, union discussions, or when not a participant in the meeting, but~~ shall not interpret for a co-worker or peer during a disciplinary meeting, conflict resolution, personal meeting, or employment dispute**, unless all of the following occur:**

(a) The D/DB/HH person requests the qualified interpreter.

(b) The arrangement is in writing and signed.

(c) The D/DB/HH person and qualified interpreter determine that effective communication can be achieved.

(d) The appointing authority agrees with the arrangement. ~~A neutral qualified interpreter shall be used, upon request of the D/DB/HH person.~~

~~(6)~~ **(5)** ~~A qualified interpreter shall not interpret for opposing parties and/or or counsel in a legal proceeding.~~ **In an educational setting an interpreter shall comply with both of the following:**

(a) A qualified interpreter who works in an educational setting under R 393.5022(4)(d) or (e) shall not interpret for a D/DB/HH person who is a colleague in any type of activity that occurs inside of an educational setting, unless all of the following occur:

(i) The D/DB/HH person requests the qualified interpreter.

(ii) The arrangement is in writing and signed.

(iii) The D/DB/HH person and qualified interpreter determine that effective communication can be achieved.

(iv) The appointing authority agrees with the arrangement.

(b) A qualified interpreter who works in an educational setting under R 393.5022(4)(d) or (e) shall not interpret in the educational setting for an adult D/DB/HH person, other than an enrolled or potential student, unless all of the following occur:

(i) The D/DB/HH person requests the qualified interpreter.

(ii) The arrangement is in writing and signed.

(iii) The D/DB/HH person and qualified interpreter determine that effective communication can be achieved.

(iv) The appointing authority agrees with the arrangement.

~~(7)~~ **(6)** ~~When the defendant in a criminal trial is a D/DB/HH person, separate proceedings interpreter(s) and table interpreter(s) shall be required. A table interpreter facilitating communication between a D/DB/HH person and his or her counsel shall not interpret for the court. Similarly a proceedings interpreter shall not work without a table interpreter being present in a criminal case. The roles of the interpreter at the table and the proceedings interpreter are neither adversarial nor compatible. The interpreter at the table is a member of the council team and an agent of the attorney. The proceedings interpreter is an officer of the court. In such instances, both of the following apply:~~ **In a judicial proceeding, a qualified interpreter shall comply with all of the following:**

(a) ~~The proceedings interpreter shall interpret the courtroom proceedings.~~ **A qualified interpreter shall not interpret for both a D/DB/HH person and an opposing party, opposing counsel, a party with a different legal counsel, or a party with incompatible interests or privacy concerns in a judicial proceeding.**

(b) ~~The table interpreter shall interpret privileged and other communications between a D/DB/HH person and his or her attorney while monitoring the accuracy and effectiveness of the proceedings interpreter's interpretations on behalf of the defense.~~ **When a party or witness in any judicial proceeding is a D/DB/HH person, 1 qualified interpreter may not act as both the table interpreter for a D/DB/HH person and the court proceedings interpreter for the court in the same judicial proceeding. A proceedings interpreter shall interpret the courtroom proceedings and coordinate with the judge and his or her staff. A table interpreter shall interpret privileged and other communications between a D/DB/HH person and his or her attorney and shall monitor the accuracy and effectiveness of the proceedings interpreter's interpretations on behalf of the D/DB/HH person with whom he or she is working.**

(c) During proceedings, the proceedings interpreter's focus is to the court, not the audience. The court may need to make alternate interpreting arrangements for audience members.

(d) To maintain accuracy, consistency, and continuity of interpreting in judicial proceedings, qualified interpreters shall consider their availability to interpret the entire judicial proceeding when accepting the appointment.

~~(8)~~**(7)** ~~A qualified interpreter shall not accept assignments requiring him or her to be the sole interpreter in situations that require a team. A team shall be required if any of the following factors exist:~~ **The decision to utilize team interpreting involves ethical decision making and consideration of a variety of variables. These variables can impact effective communication as well as result in repetitive strain injury to the interpreter. If a qualified interpreter proceeds to interpret alone, even though team interpreting is necessary, the interpretation may be considered ineffective. Both of the following apply regarding team interpreting:**

(a) A qualified interpreter shall decline to interpret alone when team interpreting is necessary, unless all of the following occur:

(i) All D/DB/HH persons request the qualified interpreter.

(ii) The arrangement is in writing and signed.

(iii) The D/DB/HH person and qualified interpreter determine that effective communication can be achieved.

(iv) The appointing authority agrees with the arrangement.

(b) If the circumstances specified in subdivision (a) of this subrule occur, then a qualified interpreter may interpret alone in the following proceedings:

~~(a)~~ **(i)** A criminal case where the defendant is a D/DB/HH person ~~as described in subrule (7) of this rule~~.

~~(b) D/DB/HH participants who are represented by opposing counsels or otherwise have incompatible interests or privacy concerns.~~

~~(c)~~ **(ii)** A D/DB/HH ~~youth~~ **person** ~~of~~ **who is** 18 years or younger is a witness, victim, or defendant **in a judicial proceeding**.

~~(d)~~ **(iii)** Police interrogations **that involve a D/DB/HH person**.

~~(e)~~ **(iv)** The D/DB/HH ~~participant~~ **person** has requested ~~a deaf~~ **an** interpreter **who is deaf**.

~~(9) The decision to utilize team interpreting involves ethical decision making and consideration of a variety of variables. These variables can impact effective communication as well as result in repetitive strain injury to the interpreter. An interpreter shall not be compelled to interpret alone if the request for a team is denied. The appointing authority is encouraged to consult with the division if doubt exists regarding the need for a team. An interpreter may request of the appointing authority a team if 1 or more of the following variables exist:~~

(8) A qualified interpreter shall decline to interpret alone if the interpreter determines a team is necessary and his or her request for a team is denied, unless all of the following occur:

(a) All D/DB/HH persons request the qualified interpreter.

(b) The arrangement is in writing and signed.

(c) The D/DB/HH person and qualified interpreter determine that effective communication can be achieved.

(d) The appointing authority agrees with the arrangement.

(9) If the circumstances specified in subrule (8)(a) to (d) of this rule occur, then a qualified interpreter may interpret alone in the following proceedings:

(a) Multiple D/DB/HH **persons** ~~participants and/~~or multiple hearing ~~participants~~ **persons, or both,** are ~~present~~ **participating**.

(b) The subject matter **of the proceeding** requires a high degree of specialized vocabulary.

(c) There is a high degree of ~~interactivity~~ **interaction** among the participants requiring the interpreter to utilize both expressive and receptive skills.

(d) **The proceeding involves** ~~A~~ **a** rapid pace of communication that cannot be easily modified ~~is present~~.

(e) Participants exhibit limited language proficiency.

(f) ~~The~~ **A** D/DB/HH ~~participants~~ **person** ~~use~~ **uses** different modes of communication.

~~(g) There are logistical considerations.~~

~~(h)~~ **(g)** A proceeding exceeds 2 hours of continuous interpreting with no or ~~only~~ limited breaks.

~~(10) Medical, mental health, police, or legal situations, including situations involving child protective services that occur in school, shall include an educational interpreter holding a current EIPA credential who will team with an interpreter holding the appropriate medical or legal endorsement and is credentialed at a standard level 2 or 3.~~

~~(11) An interpreter at a lower standard level may interpret in a higher standard level setting if he or she is in a supervised, division-approved mentoring experience with a higher standard level interpreter.~~

(10) In a medical or mental health setting, a qualified interpreter, interpreter trainee, and student interpreter shall comply with the regulations of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Privacy, Security, and Enforcement Rules, 45 CFR part 160 (2013), 45 CFR part 162 (2019), and 45 CFR part 164 (2013), and shall enter into a HIPAA

compliant business associate agreement with the appointing authority. Upon request of the department, an appointing authority shall submit a copy of the agreement to the department.

~~(12) A contract or regular employee, regardless of job title, whose essential job function is to interpret or to facilitate communication between a D/DB/HH person and a non-signing person through sign language or oral transliteration, must hold appropriate credentials and endorsements making him or her a qualified interpreter, as prescribed in the act~~.

R 393.5052 Adoption by reference; code of professional conduct; ~~VRI auxiliary aids and services;~~ privacy rules.

Rule 52. ~~(1)~~ **The board adopts by reference the** NAD-RID "Code of Professional Conduct," effective July 1, 2005~~, is adopted by reference~~. Copies may be obtained at no charge from National RID, 333 Commerce Street, Alexandria, ~~VA~~ **Virginia,** 22314, 703/838-0030 (V), 703/838-0459 (TTY), or 703/838-0454 (Fax), www.rid.org. Copies are also available for review and distribution **at 10 cents per page** from the ~~Division on Deaf and Hard of Hearing, 201 N. Washington SQ, STE. 150, Lansing, MI 48913 or dodhh@michigan.gov~~ **Board of Interpreters for the Deaf, Deaf-Blind, and Hard of Hearing, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.**

~~(2) Regulations promulgated under United States Department of Health & Human Services "The Health Insurance Portability and Accountability Act(" Public Law 104-191, including as applicable 45 CFR Parts 160, 162, and 164 (HIPAA) as amended through March 26, 2013, are adopted by reference and all privacy provisions apply to an interpreter working in a medical environment. Copies of the simplification version are also available for review and distribution from the Division on Deaf and Hard of Hearing, 201 N. Washington SQ, STE. 150, Lansing, MI 48913 or dodhh@michigan.gov.~~

R 393.5053 Educational standards.

Rule 53. ~~An interpreter possessing an EIPA certification shall not interpret for a proceeding for an adult D/DB/HH person in any setting. An EIPA certified interpreter working within an educational setting shall not interpret for a D/DB/HH colleague in any type of activity that occurs inside or outside of an educational situation described in R 393.5026.~~ **(1) 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, 34 CFR part 602 (2009). Copies of the procedures and criteria of the United States Department of Education and the policy and procedures of CHEA are available for inspection and distribution at no cost from the website for the United States Department of Education at the Office of Postsecondary Education, http://www.ed.gov/about/offices/list/OPE/index.html and the CHEA website at www.chea.org/revised-chea-recognition-policy-and-procedures-0 . Copies are also available for inspection and distribution at 10 cents per page from the Board of Interpreters for the Deaf, Deaf-Blind, and Hard of Hearing, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.**

(2) Any postsecondary educational institution or program accredited by a CHEA approved accrediting agency, or an accrediting agency recognized by the United States Secretary of Education is considered accredited for the purpose of these rules.

R 393.5054 ~~Supervision of student~~ **Student** interpreter practicum experience**; supervisor**.

Rule 54. (1) A qualified interpreter may supervise student interns in ~~an interpreter education curriculum that is under the jurisdiction of a college or training program~~ **a course of study in the field**

of interpreting at an accredited institution pursuant to R 393.5053 ~~recognized by the United States Secretary of Education as being regionally or nationally accredited~~.

(2) A qualified interpreter shall at all times accompany and supervise student interns who are interpreting in a practical setting to gain experience and skills related to interpreting.

(3) A qualified interpreter shall obtain the consent of the D/DB/HH person and appointing authority before allowing the student to participate and before introducing the student to the D/DB/HH person. In the case of a minor, permission must be obtained from the minor's parents or legal guardian.

(4) A qualified interpreter supervising a student intern shall clearly identify the student as being an intern **after the qualified interpreter identifies himself or herself and provides identification**.

(5) A ~~supervising~~ qualified interpreter **supervising a student intern** shall not ~~at any time~~ allow a student intern to ~~be used as a~~ substitute for a ~~required~~ qualified ~~team~~ interpreter ~~or to work alone~~.

(6) Only qualified interpreters~~, as provided in the act,~~ with ~~a division recognized EIPA~~ **an advanced, or educational qualified interpreter** certification~~, national certification, or standards level 2 or above,~~ **and all applicable endorsements** may supervise student interns, and only for the proceedings for which the supervising interpreter is qualified.

(7) A student intern may not interpret in a legal setting.

~~(7)~~ **(8)** A qualified interpreter under disciplinary review or action shall not supervise student ~~interpreters~~ **interns**.

(8) **(9)** A qualified interpreter shall not supervise a student accepting compensation for interpreting; however, a student stipend or formalized student apprenticeship is acceptable.

(10) Before supervising a student, a qualified interpreter shall require the student to read the administrative rules and the NAD-RID code of professional conduct, adopted by the board in R 393.5052.

R 393.5055 VRI standards; usage, limitations, educational, legal, medical, mental health standards.

Rule 55. (1) ~~A D/DB/HH person who in good faith asserts that VRI does not provide him or her with effective communication shall not be compelled or coerced to utilize VRI in place of an on-site interpreter. Good faith includes, but is not limited to, the assertion by a D/DB/HH person that similar equipment was ineffective in a previous experience, or that VRI technology does not result in effective communication because of his or her individual needs or abilities.~~ **Subject to all of the other requirements in these rules, an appointing authority may utilize VRI in place of an on-site qualified interpreter if all the following are met:**

(a) The appointing authority provides the D/HH person with the alternative use of VRI in a form of communication that the D/HH person understands.

(b) The D/HH person agrees with using VRI, the arrangement is in writing, and the agreement is signed by the D/HH person and the appointing authority.

(2) If the D/HH person requests a qualified interpreter in advance of an appointment or proceeding, VRI may be used if all of the following are met:

(a) Before the day of the appointment or proceeding, the appointing authority provides the D/HH person with the alternative of using VRI in a form of communication that the D/HH person understands.

(b) The D/HH person agrees with using VRI.

(c) The arrangement is in writing.

(d) The agreement is signed by the D/HH person and the appointing authority.

~~(2) A person~~ **(3) An appointing authority** using ~~video remote interpreting~~ **VRI** to provide sign language interpreting services ~~or translation services~~ to **a** D/HH person~~(s)~~ for a proceeding in this state must **use** ~~be~~ a qualified interpreter **with an advanced, or educational qualified interpreter**

certification, as appropriate for the setting under R 339.5022, with the required endorsements under R 338.5028 for the applicable environment or proceeding.

~~(3) A qualified interpreter may use VRI to interpret for a proceeding involving a D/HH person if effective communication is established and maintained at all times.~~

(4) An appointing authority ~~VRI~~ shall not ~~be used~~ **utilize VRI** to interpret for a minor without the express agreement of **the minor's** ~~a~~ parent or legal guardian indicating that doing so establishes effective communication, except that no parental consent or agreement to VRI is required in those medical situations where federal ~~and/~~or state law or ~~regulation~~ **rule** provides that parental consent is not required for care.

~~(4)~~ **(5)** A **qualified interpreter** ~~person~~ providing sign language interpreting services ~~or translation services~~ through ~~video remote interpreting~~ **VRI** for ~~a proceeding~~ **an appointing authority** in this state shall not knowingly provide or attempt to provide VRI services to a person who is or is identified as being legally blind.

(6) Before providing sign language interpreting services to a D/HH person through VRI in this state, in addition to being a qualified interpreter, the interpreter shall provide evidence to the department on a supplemental form provided by the department, of training in all of the following:

(a) Videoconferencing protocols.

(b) The proper use of equipment.

(c) Technical set-up.

(d) Lighting.

(e) Connectivity.

(f) Camera adjustments.

(7) Before starting a proceeding, a qualified interpreter shall show his or her current pocket card issued by the state and the state certification number in this state. The qualified interpreter shall convey his or her full name on the video screen to the appointing authority and the D/HH person. The appointing authority shall document the interpreter's name. If the pocket card does not include a photograph, the qualified interpreter shall present his or her pocket card, state certification number, and valid government-issued photo identification.

(8) Effective communication must be established and maintained at all times. To constitute effective communication and, therefore, permit the participation of qualified interpreters, VRI must, at a minimum, include all of the following:

(a) Real-time, full-motion video and audio over a dedicated high-speed, T-carrier 1 (T1) bandwidth internet connection or wider bandwidth internet connection.

(b) High-quality video images without lags; choppy, blurry, or grainy images; or irregular pauses in communication.

(c) A sharply delineated image that is large enough to display the qualified interpreter's face, arms, hands, and fingers, and the D/HH person's face, arms, hands, and fingers, regardless of his or her body position.

(d) A clear and audible transmission of voices.

(e) Adequate training to users of the technology so that they may quickly and efficiently set up and operate the VRI system.

(9) To ensure the quality and continuity of interpreting services that constitute effective communication when VRI is used, an appointing authority shall ensure, and a qualified interpreter shall not participate, unless all of the following are satisfied:

(a) A qualified interpreter shall not transfer a medical call to a different call center when interpreting for a single proceeding with a D/HH patient, unless using the same call center is not possible.

(b) To the best of their ability, a qualified interpreter and appointing authority shall provide continuity of interpreters by minimizing the number of call centers and interpreters who work with a single D/HH patient during multiple proceedings related to the course of an inpatient stay or the treatment of a single ailment.

(c) A qualified interpreter and appointing authority shall require a superuser to be on each site at all times before proceeding with VRI.

~~(5)~~ **(10)** ~~An~~ **A qualified** interpreter who believes that VRI is not providing effective communication shall immediately inform the D/HH person, the appointing authority, and **the** parties involved in the conversation **and determine if another form of interpreting is necessary**~~. The interpreter shall interpret on a temporary basis in a medical emergency pursuant to R 393.5029.~~

~~(6)~~ **(11)** ~~Notification by~~ **At any time during an appointment or proceeding, a qualified interpreter shall immediately stop using VRI if** a D/HH person ~~indicating~~ **indicates** that effective communication is not being achieved through the use of VRI ~~shall cause an immediate halt of the proceedings~~. Proceedings ~~shall~~ **must** not be resumed using VRI unless effective communication **can be** ~~is~~ achieved. ~~VRI may be used on a temporary basis in a medical emergency pursuant to R 393.5029.~~

(12) VRI may be used by an appointing authority and a qualified interpreter may interpret through VRI on a temporary basis in a medical emergency pursuant to R 393.5045(2).

~~(7) A person providing sign language interpreting services or translation services to D/HH person(s) through video remote interpreting for a proceeding in this state shall provide evidence of training in videoconferencing protocols, training in the proper use of equipment, technical set-up, lighting, connectivity, and camera adjustments on a supplemental form provided by the division.~~

~~(8) To constitute effective communication and therefore permit the participation of qualified interpreters, VRI shall at a minimum include all of the following:~~

~~(a) Real-time, full-motion video and audio over a dedicated high-speed, T-1 or wider bandwidth video connection.~~

~~(b) High-quality video images without lags, choppy, blurry, or grainy images, or irregular pauses in communication.~~

~~(c) A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating person's face, arms, hands, and fingers, regardless of his or her body position.~~

~~(d) A clear, audible transmission of voices.~~

~~(e) Adequate training to users of the technology and other involved persons so that they may quickly and efficiently set up and operate the VRI.~~

~~(9)~~ **(13)** To ensure privacy, a ~~video remote~~ **qualified** interpreter shall only participate in VRI conducted from a dedicated and secure call center~~. A secure call center must be all of~~ **that complies with all of** the following:

(a) **Is convened** ~~Situated~~ in a private location where a **D/HH** person may reasonably expect to be free from casual or hostile intrusion, surveillance, ~~and~~ **or** eavesdropping.

(b) ~~Include~~ **Includes** 1 or more dedicated and separate rooms where ~~video remote~~ **qualified** interpreters, supervisors, and others necessary to conduct the interpreting process ~~and~~/or maintain the necessary video connection are permitted to be present while ~~any~~ interpreting is being provided. The ~~suite or room~~ **location** shall have a solid core exterior door or doors that are locked during interpreting. Only persons performing or supporting the task of interpreting or supervising interpreters shall have keys or access to the ~~room or suite~~ **location**.

(c) ~~Video remote interpreting shall only be done from~~ **Uses only** dedicated computers and equipment ~~used only~~ for ~~the purpose of video remote interpreting~~ **VRI**.

~~(d)~~ **(14)** ~~A video remote interpreter or call center providing medical interpreting must enter~~ **A qualified interpreter shall enter** into HIPAA compliant business associate agreements with appointing

authorities as required by omnibus regulations. **Upon request of the department, appointing authorities shall submit** ~~Copies~~ **copies** of the agreements ~~shall be submitted~~ to ~~DODHH~~ **the department** ~~with an application to provide video remote interpreting and/or provided upon request of the DODHH~~.

~~(10) To ensure the quality and continuity of interpreting services required to constitute effective communications when VRI is used, an appointing authority shall ensure, and a video remote interpreter shall not participate unless all of the following are satisfied:~~

~~(a) All VRI is conducted from a dedicated and secure call center.~~

~~(b) A qualified interpreter shall not transfer a medical call to a different call center when interpreting for a single proceeding with a D/HH patient.~~

~~(c) To the greatest extent possible, qualified interpreters and appointing authorities shall provide continuity of interpreters by minimizing the number of call centers and/or interpreters who work with a single D/HH patient during multiple proceedings related to the course of an inpatient stay or the treatment of a single ailment.~~

~~(d) A qualified interpreter and appointing authority shall require a superuser to be on each site at all times before proceeding with VRI .~~

~~(11)~~ **(15)** ~~An~~ **A qualified** interpreter **who uses VRI** in an educational setting ~~using VRI~~ shall comply with all educational interpreter standards and with both of the following:

(a) A qualified interpreter shall not interpret for a proceeding using VRI for any D/HH child from birth through grade 5. VRI may be used for ~~children~~ **students in sixth** grade or ~~above~~**higher**.

(b) The parents or legal guardians, IEP **team**~~,~~ or 504 **plan** team**,** and the D/HH student shall all participate in the final determination of whether effective communication is achieved for a student using VRI services during ~~parent~~ **an IEP or 504 plan** ~~meetings~~ **meeting** and for any ~~child~~ **student** in a secondary educational setting.

~~(12)~~ **(16)** ~~An~~ **A qualified** interpreter in a ~~medical~~ **medical-mental health** or legal setting using VRI shall comply with all ~~medical~~ **medical-mental health** and legal interpreter standards ~~as required under R 393.5028~~ **in these rules**.

~~(13) Where an interpreter is requested as an accommodation more than 24 hours in advance of a medical appointment, an appointing authority must advise a D/DB/HH person of a desire to utilize VRI prior to the time of the appointment and must provide the D/DB/HH person with an opportunity to offer any good faith basis for believing VRI does not provide him or her with effective communication~~

~~(a) An existing patient who is seen on a regular basis should be informed of the intent to begin utilizing VRI for future appointments during an appointment where an interpreter is present.~~

~~(b) A patient, existing or referred, known to be a D/HH person who has previously been provided an interpreter, should be informed of the desire to begin utilizing VRI at the time a new appointment is made.~~

~~(c) When VRI is the most frequent method of interpretation provided employed by a doctor, medical office, or hospital, a person requesting an interpreter shall be informed that VRI is likely to be utilized at the time the accommodation request is received.~~

~~(d) When VRI is utilized by a doctor, medical office, or hospital on a regular though less frequent basis, a person requesting an interpreter shall be informed that VRI may potentially be utilized at the time the accommodation request is received.~~

~~(e) In all other instances a person requesting an interpreter as an accommodation shall be informed of the intent to utilize VRI as soon as the desire not to provide an interpreter on site becomes known.~~

~~(14)~~ **(17)** ~~Unless there is informed consent of the D/HH person, VRI shall not be used in any of the following medical situations.~~ **In addition to the requirements in subrules (1) and (2) of this rule, unless the D/HH person agrees in writing or on the record that effective communication can be**

achieved, effective communication cannot be achieved through the use of VRI in all of the following situations:

(a) ~~Initial meetings~~ **Meetings** with a **D/HH person and a** medical specialist.

(b) Highly sensitive communications~~, for example,~~ **to or from a D/HH person, including, but not limited to, the** diagnosis of a serious illness.

(c) Eye exams **for a D/HH person**.

(d) **During** ~~Patient~~ transport **of a D/HH person**.

(e) ~~With~~ **Communication with** a D/HH person with a cognitive limitation.

(f) **Communication** ~~With~~ **with** a D~~/~~/HH person with a secondary disability**,** ~~or~~ **injury, illness, or** condition that makes it difficult to use VRI or **impedes his or her ability** to view the VRI screen, ~~for example,~~ **including but not limited to** low vision.

~~(g) With a D/HH person with an injury or illness that impedes his or her ability to view the screen.~~

~~(h)~~ **(g) Communication** ~~With~~ **with** a D/HH person who indicates by sign or **his or her** facial expression that **effective** communication is not being achieved.

~~(i)~~ **(h)** When consistent and continuous **effective** communication cannot be achieved **with a D/HH person** due to equipment failure or poor connectivity **of the VRI system**.

~~(j)~~ **(i) If the D/HH person is having** ~~During~~ surgery, under the influence of consciousness altering drugs or medication, **undergoing** childbirth, or **experiencing an** end-of-life event.

~~(15) Unless the D/HH person states in writing or on record at a court or administrative tribunal that effective communication is being achieved, it will be assumed that effective communication cannot be achieved through the use of VRI services in any of the following legal and mental health circumstances and it shall not be used:~~

~~(a)~~ **(j)** Trials.

~~(b)~~ **(k)** Contested hearings.

~~(c)~~ **(l)** Guilty pleas.

~~(d)~~ **(m)** Mental health treatment **for an individual,** in group settings, commitment evaluations**,** and~~,~~ hearing proceedings.

(n) When ~~A~~ **a** D/HH person ~~who~~ is unable to differentiate reality from delusions, ~~whose~~ **has his or her** competency ~~is~~ under question, ~~and/~~or **except for subrule (4) of this rule** ~~who~~ is under the age of legal consent ~~is not considered competent to consent to the use of VRI~~**.**

~~(e)~~ **(o)** Polygraph examinations.

~~(f)~~ **(p)** Witness testimony.

~~(g)~~ **(q)** Depositions.

~~(h)~~ **(r)** Preliminary hearings.

~~(i)~~ **(s)** Evidentiary hearings.

~~(j)~~ **(t)** Ex parte domestic proceedings.

~~(k)~~ **(u) Judicial proceedings** ~~Cases~~ with multiple ~~deaf participants~~ **D/HH people**.

~~(l)~~ **(v)** ~~Cases with pro se deaf participants~~ **Judicial proceedings where a D/HH person who is a defendant is not represented by an attorney**.

~~(16)~~ **(18)** When utilizing VRI services, the D/HH person shall have access to the equipment at all times when communication is taking place and its usage ~~shall~~ **must** not be restricted. The D/HH person shall retain the ability to be reconnected to VRI ~~whenever~~ **when** the need for communication arises.

~~(17)~~ **(19)** When utilizing VRI, ~~if~~ **and** there are 3 failed connectivity attempts, shutdowns, ~~and/~~or unexpected equipment disconnects ~~in a proceeding a video remote~~ **the qualified** interpreter ~~in a medical setting~~ shall report to the appointing authority that he or she cannot provide effective communication due to equipment failure. The ~~video remote~~ **qualified** interpreter shall withdraw from the assignment, and **the appointing authority shall** ~~an~~ **use an** onsite **qualified** interpreter ~~shall be requested~~ for the remainder of the proceeding and until the equipment failure is resolved.

~~(18)~~ **(20)** A D/HH person may file a complaint for failure to provide reasonable and effective communication against an appointing authority that does not comply with ~~United States Department of Justice VRI standards~~ **these rules** ~~and~~ **or who** continues to have connectivity issues. The D/HH person may also file a complaint against the ~~video remote~~ **qualified** interpreter who does not comply with ~~subrule (15)~~ **these rules or who** ~~of this rule by withdrawing~~ **does not stop interpreting or withdraw** from the assignment **when effective communication is lacking**.

~~(19) Qualified interpreters meeting all level 3 interpreter standards may interpret for a proceeding using VRI, except for situations under subrule (14) of this rule. Effective communication is required to be achieved~~.

R 393.5056 Notifications to department~~;~~ ~~prohibited conduct~~.

Rule 56. (1) A qualified interpreter shall **notify the department within 30 calendar days when any** ~~do all~~ of the following **occur**:

(a) ~~Notify the division of a felony~~ **A criminal** conviction **against the qualified interpreter** ~~within 30 days of the conviction,~~ regardless of the jurisdiction where it occurred.

(b) Change of a qualified interpreter's name, address, email, or phone number.

~~(b)~~ **(c)** ~~Notify the division within 30 days after occurrence of any~~ **An award,** judgment**,** or settlement of **a** malpractice claim or action **against the qualified interpreter**.

~~(c)~~**(d)** ~~Comply with an appearance request by the division and cooperate with an investigation.~~ **Disciplinary licensing action against the interpreter, or the interpreter's certification, license or registration, including action that is stayed pending an appeal, taken by another state against the qualified interpreter.**

~~(d)~~ **(e)** ~~Comply with the terms of a division order or the terms of a settlement agreement or consent order issued or executed as resolution of a contested case proceeding.~~ **Knowledge that another qualified interpreter, an interpreter without a state certification, or an appointing authority has committed a violation of the act or of these rules.**

(2) The name of the qualified interpreter making the report shall remain confidential unless he or she otherwise agrees in writing or unless disciplinary proceedings are initiated against the subject of the report. This subrule does not apply to a qualified interpreter who obtains the knowledge of a violation while providing professional services to the qualified interpreter to whom the knowledge applies, or who is serving on an ethics or peer review committee of a professional organization.

~~(2) A qualified interpreter shall not engage in any conduct that subverts or attempts to subvert a division investigation.~~

R 393.5058 ~~Waivers.~~ **Rescinded.**

~~Rule 58. (1) As provided in MCL 393.503(3), the right of a deaf, deafblind, or hard of hearing person to a qualified interpreter shall not be waived except by a request for waiver in writing by the deaf, deafblind, or hard of hearing person.~~

~~(2) A D/DB/HH person shall not be coerced, threatened, or intimidated into signing a waiver or partial waiver to utilize a nonqualified or underqualified person who signs and any such agreement is void. A waiver, limited waiver, or other decision to proceed with an under-qualified interpreter does not obviate or mitigate any responsibility for a failure to provide a qualified interpreter when required to do so.~~

~~(3) As provided in MCL 393.507(1), court appointed interpreter, qualified interpreter, intermediary interpreter, or deaf interpreter shall be paid a fee by the court that the court determines to be reasonable. A qualified interpreter, intermediary interpreter, or deaf interpreter appointed by an appointing authority other than a court shall be paid a fee by the appointing authority. An appointing authority is not required to compensate an unqualified or underqualified interpreter.~~

~~(4) The division shall create recommended waiver and limited waiver forms and make them available on its website. It shall also post explanatory information both in writing and in sign language format.~~

PART 6. ~~GRIEVANCE AND COMPLAINT~~ PROCEDURES **FOR FILING COMPLAINTS, INITIATING FORMAL COMPLAINTS, INVESTIGATIONS, DENIAL, REVOCATION, SUSPENSION, LIMITATION OF CERTIFICATION, REINSTATEMENT**

R 393.5061 Filing ~~grievances and~~ complaints.

Rule 61. (1) A person may file a ~~grievance~~ **complaint** with the ~~division~~ **department** for any **violation** of the **act, a rule promulgated under the act, or an order issued under the act, including, but not limited to, the** following ~~types of complaints~~ **situations**:

(a) ~~Complaints against an~~ **An** appointing authority ~~for using~~ **uses an interpreter who is not appropriately trained, endorsed, and certified by this state,** ~~an unqualified or underqualified interpreter~~ in violation of the act.

(b) ~~Complaints against a~~ **A** person ~~providing~~ **provides** interpreting services without being **appropriately trained, endorsed, and certified by this state,** ~~qualified~~ as required by the act.

(c) ~~Grievance against a~~ **A** qualified interpreter**, interpreter trainee, and interpreters who are working under an exception, exemption, or waiver** ~~for violation of~~ **violates** the act or these rules.

~~(2) A person with first-hand knowledge may file a grievance with the division within 90 calendar days of an alleged violation of 1 or more of the following:~~

~~(a) The act.~~

~~(b) A rule promulgated under the act.~~

~~(c) An order issued under the act.~~

~~(3)~~ **(2)** All complaints ~~shall~~ **must** be filed in writing. As an accommodation, a D/DB/HH person may file a video request so that it may be translated by the ~~division~~ **department** into writing.

~~(4) A D/DB/HH person, appointing authority, or other person involved in an interpreting situation that includes a team interpreter may file a grievance with the division against an interpreter, who violates these rules.~~

~~(5)~~ **(3)** A team interpreter who files a grievance is not in breach of confidentiality.

~~(6)~~ **(4)** Complaints related to denial of reasonable accommodations may be filed with the Michigan department of civil rights under the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1101 to 37.1607, or with the United States Department of Justice for violations under the ~~Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008~~ **Americans with Disabilities Act of 1990, 42 USC 12101 et seq., as amended by the Americans with Disabilities Amendments Act of 2008, Public Law 110-325**.

R 393.5062 ~~Investigation; correspondence file; acknowledgment~~ **Acknowledgement** of ~~grievance~~ **complaint**.

Rule 62. ~~The division, upon receipt of a grievance, shall immediately begin its investigation of the allegations and shall open a correspondence file.~~ The ~~division~~ **department** shall make a written acknowledgment within ~~21~~ **15** ~~business~~ **calendar** days after receipt of the ~~grievance~~ **complaint** to the ~~parties~~ **person making the** ~~involved in the grievance~~ **complaint**.

R 393.5063 Reply by respondent; investigation.

Rule 63. (1) The respondent ~~shall to the grievance within 35~~ **has 10** calendar days after ~~the respondent's receipt of~~ **he or she receives** the ~~grievance~~ **complaint to send to the department a response to the complaint**. The ~~reply~~ **response** shall be verified by **the** date stamp~~ed~~ on United States mail or **by** other means indicated as acceptable by the ~~division~~ **department**.

(2) After receiving notice of the complaint, the respondent shall not contact or provide interpreting services for the complainant.

~~(2)~~ **(3)** The ~~division~~ **department** shall conduct the investigation by reviewing the ~~grievance~~ **complaint** and the respondent's ~~reply~~ **response** to determine whether a violation of the act or these rules occurred. The ~~division~~ **department** may request additional information ~~from either party~~.

~~(3)~~ **(4)** The ~~division~~ **department** may consult with experts in the field.

~~(4) At any time after respondent's receipt of the grievance, if all parties and the division agree, the matter may be submitted to mediation or other alternative dispute resolution process which shall toll all time periods provided by these rules for not more than 60 days.~~

R 393.5064 Investigation; closing ~~grievance~~ **complaint**; formal complaint.

Rule 64. (1) If the ~~division's~~ **department's** investigation does not disclose a violation of the act or a rule promulgated under the act, the ~~division~~ **department** shall close the ~~grievance~~ **complaint**. ~~The reasons for closing the grievance shall be forwarded to the respondent and complainant.~~

(2) If the ~~division~~ **department's** investigation discloses evidence of a violation of the act or a rule promulgated under the act, the ~~division~~ **department** ~~shall~~ **may do any of the following:**

(a) Prepare ~~prepare~~ a formal complaint against the respondent**.**

(b) Issue a cease-and-desist order.

(c) Issue a notice of summary suspension.

(d) Take any other action pursuant to law.

(3) At any time after an investigation has been conducted, the department may do either of the following:

(a) Issue an order for the respondent to cease-and-desist from violating the act or the rules.

(b) Issue an order to summarily suspend a certification based on an affidavit by a person who is familiar with the facts set forth in the affidavit or on information and belief that an imminent threat to the public health, safety, and welfare exists.

(4) A respondent who is ordered to cease-and-desist shall have a hearing with the department if a written request for a hearing is filed within 30 calendar days after the effective date of the order. If a respondent violates a cease-and-desist order, the department or attorney general may apply in circuit court to restrain and enjoin, temporarily or permanently, or both, a respondent from further violating a cease-and- desist order.

(5) Following a summary suspension order, the respondent may petition the department to dissolve the order. Upon receiving a petition, the department immediately shall schedule a hearing to determine whether to grant or deny the requested relief.

(6) An administrative law hearings examiner shall grant the requested relief to dissolve the summary suspension order, unless sufficient evidence is presented that an imminent threat to the public health, safety, and welfare exists that requires emergency action and continuation of the department's summary suspension order.

(7) The record created at the hearing to dissolve a cease-and-desist order or a summary suspension order shall become part of the record of the complaint at a subsequent hearing in the case.

~~PART 7. PROCEDURES FOR REVOCATION, SUSPENSION, LIMITATION OF CERTIFICATION, REINSTATEMENT~~

R 393.5070 Violations; grounds for disciplinary action.

Rule 70. (1) The ~~division~~ **department** may deny, revoke, suspend, or place a limitation on a qualified interpreter certification for 1 or more of the following reasons:

(a) Discrimination, harassment, or retaliation toward ~~an~~ **a** person for filing a complaint about dissatisfactory interpreting services.

(b) Fraud, deceit, cheating, or misrepresentation in applying for or renewing a certificate under the act.

(c) Violation of any provision of the act or rules promulgated under the act.

(d) Failure of a ~~certified~~ **qualified** interpreter to submit his or her application or renewal ~~and who~~ **if the qualified interpreter** continues to work ~~without listing~~.

(e) Incompetent ~~practice under the act~~ or **gross** negligence in the practice of interpreting.

(f) Knowingly aiding or assisting another person to violate any provision of the act or rule promulgated under the act.

(g) Fraud, deceit, cheating, or misrepresentation in the practice of interpreting.

(h) Failure to report to the ~~division~~ **department** any adverse final action taken against him or her by another licensing jurisdiction, peer review body, professional deaf or hard of hearing interpreting association, governmental commission, law enforcement commission, or any court for a deaf or hard of hearing interpreting liability claim reasonably related to ~~acts or~~ conduct similar to ~~acts or~~ conduct that would constitute ~~grounds~~ **a basis** for **an** action ~~as provided~~ in this rule.

(i) Failure to report to the ~~division~~ **department** the surrender of **a** certificate, license, registration, or authorization to practice interpreting in another state or jurisdiction or surrender of ~~the~~ **a** certificate, license, registration, or authorization to practice interpreting while under disciplinary investigation by any of those authorities or bodies for acts or conduct reasonably similar to acts or conduct that would constitute grounds for action **under the act or these rules**.

(j) Failure **of the interpreter** to decline or offer to withdraw from an interpreting ~~or transliterating~~ proceeding when effective communication is not ~~substantially~~ achieved or when notified by **a** D/DB/HH **person** or hearing person of **his or her** inability to ~~consistently~~ understand.

(k) Failure to decline ~~subsequent~~ proceedings with a D/DB/HH person after being informed by the D/DB/HH person~~,~~ **or the** appointing authority ~~and/or an agency acting on behalf of an appointing authority~~ of an inability to achieve effective communication during a previous encounter with ~~that~~ **the** D/DB/HH person **unless the D/DB/HH person agrees to using the qualified interpreter**.

(l) ~~Offenses evidencing~~ **Demonstrates a** lack of good moral character as ~~provided~~ **required** in R 393.5033.

(m) Practices false advertising.

(n) Fails to comply with an administrative rule or the NAD-RID code of professional conduct adopted in R 393.5052.

(o) Fails to comply with a subpoena issued under the act.

(p) Fails to comply with an appearance request by the department and cooperate with an investigation.

(q) Fails to comply with any of the following:

(i) The terms of a department order.

(ii) The terms of a settlement agreement.

(iii) The terms of a consent order issued or executed as resolution of a contested case proceeding.

(r) Engaging in conduct that subverts or attempts to subvert a department investigation.

(2) Notwithstanding ~~subdivisions (j) and (k) of~~ subrule (1)**(j) and (k)** of this rule, an interpreter shall not be disciplined for violation of these rules when all the following conditions have been met:

(a) The interpreter has been first informed by a medical professional or sworn law enforcement officer that the medical professional~~/~~ **or** officer has determined that an emergency exists.

(b) The medical professional~~/~~ **or** officer reasonably believes that the health of 1 or more persons is at immediate ~~and time-sensitive~~ risk.

(c) The medical professional~~/~~ **or** officer is actively seeking a qualified interpreter.

(d) The medical professional~~/~~ **or** officer indicates the interpreter being utilized is the closest to effective method of communication available.

(e) In addition to documenting subdivisions (a) to (d) of this subrule, ~~in order~~ to claim this protection the interpreter shall personally verify that the D/DB/HH person has been informed of any other reasonably available alternative option and that no ~~such~~ available alternative option is being requested by the D/DB/HH person.

(3) Nothing in this rule shall mitigate a medical professional, law enforcement officer, or appointing authority's responsibility for failure to ~~meet~~ **comply with** a ~~legal duty~~ **law or these rules** ~~which~~ **that** contributed to the necessity to proceed with other than a qualified interpreter ~~and/~~or less than effective communication.

R 393.5072 Formal complaint and notice; service; informal conference; methods of settlement; representation; summary suspension.

Rule 72. (1) After an investigation has been conducted and a formal complaint prepared **pursuant to R 393.5064,** the ~~division~~ **department** shall serve the formal complaint ~~upon~~ **on** the respondent through certified mail with a return receipt requested and provide a copy to the complainant. **At the same time, the department shall serve the respondent with a notice describing the compliance conference and hearing processes and shall offer the respondent a choice of either of the following:**

(a) An opportunity to meet with the department to negotiate a settlement of the matter.

(b) An opportunity to proceed to a contested case hearing.

(2) A respondent ~~upon whom service of~~ **who was served** a formal complaint ~~has been made~~ has ~~28~~ **15** calendar days **after receipt of the notice** to ~~reply~~ **respond to the complaint**. **If a respondent does not select 1 of the options in subrule (1) of this rule within 15 calendar days, then the department shall proceed to a contested case hearing. An employee or agent of the department may represent the department in a contested case hearing. The respondent shall have 28 calendar days to file an answer to the formal complaint.**

(3) ~~After the issuance of a formal complaint, the division may assemble together the complainant and the respondent for an informal conference or mediation. At the informal conference or mediation, the division shall attempt to resolve issues stated on the complaint and may assist the parties in reaching a formal settlement or stipulation.~~ **At an informal conference, the parties and department may enter into a settlement. At the request of the department, an informal conference may be attended by a member of the board. A settlement may include the denial, revocation, suspension, or limitation of a certification.**

~~(4) If a respondent fails to file an answer to the complaint with the division within 28 days after receipt of the formal complaint, a default shall be entered by the division. A default may result in a reprimand, suspension, revocation, or limitation of a certificate as provided for in the act.~~

~~(5)~~ An informal conference may result in a settlement, consent order, waiver, default, or other method of settlement agreed upon by the parties and the ~~division~~ **department**.

~~(6)~~ **(4)** If the informal conference does not result in a resolution of the formal complaint, ~~the matter shall be referred to the Michigan administrative hearing system or its successor for an administrative~~ **a** hearing **shall be held pursuant to R 393.5072a**.

~~(7) An authorized employee or agent of the division may represent the department in a contested case.~~

~~(8) A respondent may be represented at a hearing by an authorized representative or legal counsel at the respondent's own expense.~~

~~(9)~~ **(5) In addition to the other alternatives in the rules,** ~~At~~ **at** any time after a formal complaint is filed involving public health, safety, or welfare requiring emergency action, the department may file a petition in circuit court for the county in which the subject of the formal complaint occurs, or the county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings, including an order or decree restraining the respondent. The court may grant temporary relief or a restraining order as it deems just and proper.

~~(10) The division shall issue an order summarily suspending a certification based upon the holder of the certificate having been convicted of a felony.~~

R 393.5072a Hearings.

Rule 72a. (1) If an informal conference is not held or does not result in settlement of a formal complaint, a hearing shall be held pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A respondent may be represented at a hearing by a representative or legal counsel at the respondent's own expense. An employee or agent of the department may represent the department in a contested case.

(2) At the conclusion of the hearing, the administrative law hearings examiner shall submit a hearing report containing his or her determination, findings of fact, and conclusions of law to the department. The hearing report may recommend denial, revocation, suspension, or placement of a limitation on the respondent's certification. A copy of the hearing report shall be submitted to the complainant and the respondent.

(3) If a respondent fails to appear at the hearing after proper service of notice the hearing may proceed without the respondent and a default order may be entered.

(4) Within 60 calendar days after receipt of an administrative law hearings examiner's hearing report, the department shall make a determination of discipline to be assessed and issue a final order. The determination shall be made on the basis of the administrative law hearings examiner's report. If a transcript is requested by the department, the determination of the discipline to be assessed shall be made within 60 calendar days after receipt of the transcript.

(5) Judicial review of a final decision or order shall be available under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

R 393.5073 Certification~~;~~ limitations; duration of suspension; standards and procedures for reinstatement after revocation or suspension.

Rule 73. (1) ~~The division may impose sanctions, limitations, suspension, or revocation of a certification . These sanctions~~ **Sanctions imposed** on ~~the~~ **a** certification shall continue until the expiration of the period in the order or until the certification is reinstated pursuant to this rule, whichever is later.

(2) **A petitioner for reinstatement of a certification as a qualified interpreter shall submit the required fee and a petition to the department on a form provided by the department.** A petition for reinstatement of a certification that has been suspended or revoked shall be ~~made~~ **evaluated by the department** ~~in accordance with~~ **under** this rule.

~~(3) A certification may be suspended for a period of 10 calendar days , 30 calendar days, 60 calendar days, 90 calendar days, 6 months, 1 year, 2 years, or completely revoked, depending on severity of the violation or the frequency of violations.~~

~~(4) If a certification has been suspended, it is presumed that the respondent meets the requirements of reinstatement unless any of the following occurs:~~

~~(a) Another complaint has been filed and is pending at the end of the minimum suspension period.~~

~~(b) A subsequent disciplinary order has been entered.~~

~~(c) A petition with supporting affidavit has been filed by a complainant alleging that the respondent has failed to fulfill a term of the suspension order.~~

~~(5)~~ **(3)** The certification shall not be reinstated until the ~~division~~ **department** finds that the ~~respondent~~ **petitioner** meets the following requirements of reinstatement:

(a) The ~~respondent~~ **petitioner** files a petition for reinstatement not sooner than 60 calendar days before the end of the minimum suspension period. The petition shall be accompanied by supporting affidavits that the terms of the sanction have been met.

(b) ~~Within 30 calendar days after the petition has been filed, a complainant may file a response to the petition. If the complainant opposes the reinstatement, an informal conference shall be scheduled. If the complainant fails to appear at the scheduled conference, the complainant shall be deemed in default. If a response is not filed, or if the complainant does not oppose reinstatement, the division~~ **The department** shall review the petition with supporting affidavits and shall determine whether the requirements of the reinstatement have been met. The ~~division~~ **department** shall notify the ~~respondent~~ **petitioner** if it finds that the requirements have not been met.

~~(6) A petition for reinstatement of a revoked certification shall be considered in accordance with subrule (4) of this rule. The division shall not accept the petition sooner than 2 years after the effective date of the revocation, except where the certification was revoked for a felony conviction.~~

~~(7)~~ **(4)** Before reinstating a certification, the ~~division~~ **department** shall consider all of the following in assessing a ~~respondent's~~ **petitioner's** ability to practice and the public interest:

(a) Whether the ~~respondent~~ **petitioner** has complied with the terms of the revocation.

(b) If the ~~division's~~ **department's** final order included corrective measures, remedial education, or training as a condition of reinstatement, the extent of the ~~respondent's~~ **petitioner's** compliance with the conditions in the final order. In addition, the ~~division~~ **department** may impose other requirements for reinstatement as ~~deemed~~ **considered** appropriate, including additional training, education, or supervision.

(c) If the final order of the ~~division~~ **department** does not address corrective measures, remedial education, or training as a condition of reinstatement, the ~~division~~ **department**, in determining a ~~respondent's~~ **petitioner's** ability to practice safely and competently, may consider the need for additional training and education in determining if the petitioner has met the criteria established for reinstatement.

~~(8)~~ **(5)** After a conference has been completed, the ~~division~~ **department** shall determine whether the ~~respondent~~ **petitioner** has satisfied conditions for reinstatement. The ~~division~~ **department** may deny the petition or grant the petition subject to terms and conditions that it deems appropriate.

~~(9)~~ **(6)** A ~~subsequent~~ petition for reinstatement may not be filed with the ~~division~~ **department** for at least 1 year after the effective date of the order denying reinstatement.

R 393.5074 Compliance with act, rule, or order.

Rule 74. ~~This rule~~ **These rules** ~~does~~ **do** not prevent a person against whom a **formal** complaint has been filed from showing compliance with the act, ~~or~~ a rule**,** or an order promulgated or issued under the act.

R 393.5075 ~~Hearings.~~ **Rescinded.**

~~Rule 75. (1) Hearings shall be held pursuant to administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.~~

~~(2) Appeal decisions provided in R 393.5033(5) shall be made by the director of the division on deaf and hard of hearing and include a review of the documents submitted.~~

~~(3) The director shall within 10 business days of receiving a request for an appeal, review any additional documentation provided by the appellant and render a decision.~~

~~(4) Judicial review of a final decision or order shall be available as provided by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.~~

R 393.5076 Appointing authorities; allegations of violations.

Rule 76. (1) If the ~~division~~ **department** believes that an appointing authority has used an unqualified person for purposes requiring a qualified interpreter under the act, **or that the appointing authority has otherwise violated these rules or the act,** the ~~division~~ **department** ~~shall~~ **may** notify the appointing authority, in writing, of the allegation.

(2) The ~~division~~ **department** may refer the information described in subrule (1) of this rule to the Michigan department of civil rights**,** ~~or~~ a federal agency for civil enforcement of relevant disability law or laws**, a local prosecutor, or this state's attorney general**.

~~(3) The division may refer subsequent substantiated instances of the same allegations to a local prosecutor for action pursuant to MCL 393.508b.~~

~~(4) The division shall educate appointing authorities about the provisions of the act and these rules.~~

R 393.5077 ~~Public inquiries.~~ **Violation; qualified interpreter.**

Rule 77. (1) ~~Details regarding unsubstantiated complaints shall be immediately purged from the interpreter's file.~~ **If the department believes that a person who knows that he or she does not meet the definition of a qualified interpreter under the act misrepresents himself or herself as a qualified interpreter, the department shall notify the person, in writing, of the allegation.**

~~(2) Formal complaints, disciplinary actions, and the number of substantiated violations shall be available to the public. Information regarding violations shall be placed in the person's records with the division, indicating the nature of the violation and the conditions imposed. Substantiated violations will be listed as part of public record on the interpreter database.~~

(2) The department may refer the information described in subrule (1) of this rule to a local prosecutor or this state's attorney general.

~~(3) Complaints that result in an administrative hearing or disciplinary action, or both, are public information, and the files maintained according to retention and disposal schedules of the department.~~

PART 8. CONTINUING EDUCATION

R 393.5081 ~~Professional development; continuing~~ **Continuing** education**; requirements**.

Rule 81. **(1) At the first renewal of a state certification after promulgation of these rules, an applicant shall comply with the continuing education requirements of this subrule and subrules (3), and (7) to (10) of this rule.**

(a) An RID certificate holder with a state certification who has not reached the end of his or her 4-year continuing education cycle pursuant to the prior rules, shall have no minimum continuing education requirements.

(b) An RID certificate holder with a state certification who has reached the end of his or her 4-year continuing education cycle pursuant to the prior rules, shall acquire only the continuing education requirements for his or her endorsement, before the certification expiration date, as follows:

(i) For a deaf-blind endorsement, a minimum of .8 CEUs or 8 hours related to deaf blindness, deaf persons with low vision, and interpreting for deaf-blind and deaf persons with low vision populations.

(ii) For a medical-mental health endorsement, a minimum of 2 CEUs or 20 hours related to health care or mental health interpreting in medical and mental health environments.

(iii) For a legal endorsement, a minimum of 2 CEUs or 20 hours related to legal interpreting in legal environments.

(c) A BEI or an EIPA holder with a state certification who has not reached the end of his or her 4-year continuing education cycle pursuant to the prior rules, shall acquire 2 CEUs or 20 hours during the continuing education cycle.

(d) A BEI or an EIPA holder with a state certification who has reached the end of his or her 4-year continuing education cycle pursuant to the prior rules, shall acquire the following before the certification expiration date:

(i) Eight CEUs or 80 hours.

(ii) A minimum of 5 CEUs or 50 hours in professional studies.

(iii) A minimum of 2 CEUs or 20 hours in ethics.

(iv) A minimum of 1 CEU or 10 hours in general studies or electives.

(v) The endorsement CEU requirements listed in subrule (1)(b) of this rule.

(e) An educational interpreter, who is either an RID certificate holder, a BEI holder, or an EIPA holder who has reached the end of his or her 4-year continuing education cycle, pursuant to the prior rules, shall acquire .8 CEUs or 8 hours in educational interpreting related subjects before the certification expiration date.

(f) One CEU equals 10 clock hours of continuing education. Credit may be given in ¼-hour increments. Lunch hours, social programs or events, and breaks that are longer than 15 minutes do not count toward CEUs.

(g) At the applicant's request, CEUs used to satisfy the CEU requirements of another jurisdiction may be applied to fulfill this state's CEU requirements if the CEUs meet the requirements outlined in this rule and if appropriate documentation is submitted to the department.

(h) CEUs offered for other professions may be accepted as general studies or electives.

(i) A qualified interpreter may earn professional studies CEUs, which consist of units that deal with any of the following topics:

(i) Interpreting or skill development.

(ii) Deafness.

(iii) Deaf culture.

(iv) Active involvement, including presenting, teaching, and planning.

(v) General studies or electives that involve primarily listening to topics related to deafness or interpreting.

~~(1)~~ **(2) By the end of the first renewal cycle that begins after promulgation of these rules, an applicant shall complete the requirements in this subrule and the requirements only in subrules (3) to (10) of this rule.**

(3) As required for renewal of a certification under part 9 of these rules, ~~All state-certified~~ **all** qualified interpreters **who have held a certification for the 2-year period immediately before the expiration date of the certification** shall complete ~~8.0~~ **4** CEUs **or 40 hours** during each ~~4-year~~ **2-year certification** cycle**, before the certification expiration date,** established ~~at the time~~ **when** the first state ~~credential~~ **certification** is issued to the qualified interpreter. ~~The~~ **CEUs may be taken any time during the 2-year certification cycle.** CEUs shall consist of **all of** the following:

(a) A minimum of ~~5.0~~ **2.5** CEUs **or 25 hours** in professional studies**, consisting of units that deal specifically with the following topics:**

(i) Interpreting or skill development.

(ii) Deafness.

(iii) Deaf culture.

(iv) Active involvement including presenting, teaching, and planning.

(b) A minimum of ~~2.0~~ **.8** CEUs **or 8 hours** in ethics**, power, privilege, and oppression**.

(c) ~~A minimum~~ **A maximum** of ~~1.0~~ **.5** CEU**s or 5 hours** in general studies or electives**, consisting of general topics of interest and passive involvement related to deafness or interpreting, or a deafness-related activity that is primarily listening may be taken during a 2-year certification cycle**.

(d) Before the certificate expiration date, a qualified interpreter with an educational certification shall acquire a minimum of .4 CEUs or 4 hours of the required 40 hours in subrule (1) of this rule that are related to interpreting in an educational setting during each 2-year certification cycle.

(e) No more than 1.2 CEUs or 12 hours may be earned during a 24-hour period.

(4) An interpreter who possesses a deaf-blind, medical-mental, or legal endorsement, who has held the endorsement for the 2-year period immediately preceding the expiration date of the endorsement, shall complete the following as part of the total number of CEUs required in subrule (1) of this rule:

(a) For a deaf-blind endorsement, a minimum of .4 deaf blind CEUs or 4 hours related to deaf blindness, deaf persons with low vision, and interpreting for deaf-blind and deaf persons with low vision populations.

(b) For a medical-mental health endorsement, a minimum of 1 CEU or 10 hours related to health care or mental health interpreting in medical and mental health environments.

(c) For a legal endorsement, a minimum of 1 CEU or 10 hours related to legal interpreting in legal environments.

~~(2)~~ **(5)** One CEU equals 10 clock hours of ~~professional development activity~~ **continuing education**. ~~After completion of the initial CEU hour, credit~~ **Credit** may be given in ¼-hour increments. Lunch hours, social programs or events, and breaks~~,~~ **that are longer than 15 minutes** do not count toward CEUs.

~~(3) A RID sponsored CEU activity shall automatically be eligible for professional development credit in this state, provided the applicant provides proof that an event has been approved for CEUs by RID.~~

~~(4) CEUs used to satisfy the CEU requirements of another jurisdiction shall be applied to fulfill the state CEU requirements at the applicant's request if the CEUs meet additional requirements outlined in this rule, and if appropriate documentation is provided.~~

~~(5)~~ **(6)** ~~CEUs offered for other professions may be accepted as general studies or electives.~~ **The continuing education requirements of this rule for certifications and the continuing education requirements of this rule for endorsements are not applicable to an interpreter who has held the certification or endorsement for less than a 2-year certification cycle immediately before the expiration date of the certification or endorsement.**

~~(6) Proof of successful completion of coursework from an accredited university, college, or other education institution, shall be granted CEUs as follows:~~

~~(a) Semester system: 1 credit hour = 15 clock hours.~~

~~(b) Quarter system: 1 credit hour = 10 clock hours.~~

~~(7) CEUs in excess of 8.0 shall not carry over from a 4-year cycle to the next.~~

~~(8) Qualified interpreters may earn either of 2 types of CEUs as follows:~~

~~(a) Professional studies consisting of units that deal specifically with topics of interpreting or skill development, deafness, deaf culture, or active involvement (presenting, teaching, and planning). At least 2.0 professional CEUs shall include topics related to ethics.~~

~~(b) General studies or electives units that deal with general topics of interest and passive involvement related to deafness or interpreting, or a deafness-related activity that is primarily listening.~~

~~(9)~~ **(7) Credit for the same continuing education program shall not be given twice in the same 2-year cycle.**

(8) If there is a question regarding **whether** ~~the CEU described in subrule (8) of this rule~~ **CEUs are acceptable**, the ~~division~~ **department with assistance from a continuing education board member subcommittee** ~~director or assigned designee~~ shall make a final determination.

(9) The board may waive attendance in a continuing education program as a condition of certification or endorsement renewal, as provided under subdivision (a) of this subrule.

(a) If after receiving a written application, the board finds the failure of the qualified interpreter to attend the required continuing education was due to any of the following:

(i) His or her disability.

(ii) Military service.

(iii) Medical circumstances.

(iv) Absence from the continental United States.

(v) Circumstances beyond the control of the qualified interpreter which the board considers sufficient cause to waive the requirement.

(b) A request for a waiver must be received by the department before the date on which the continuing education was required.

(10) Failure to comply with the continuing education requirements is a basis for discipline by the department.

R 393.5082 ~~Division~~ **Department** records; ~~professional development;~~ continuing education**; random audits**.

Rule 82. (1) ~~The division shall maintain a database that includes a record of each state-certified interpreter's attained CEUs and each nationally certified interpreter with endorsements. The applicant shall ensure that his or her hours are properly documented.~~ **After an applicant renews and attests to having met the continuing education requirements, the department may assess a qualified interpreter's CEUs by random audit.**

(2) ~~Qualified interpreters shall submit a division CEU reporting form with documents attached to verify his or her participation in activities earning CEUs at renewal time.~~ **An interpreter shall retain documentation of having met the continuing education requirements for a period of 4 years from the date of applying for certification or endorsement renewal. The department may require an applicant to submit evidence to demonstrate compliance with this rule.**

(3) **The department shall not return supporting** ~~Supporting~~ documents ~~will not be returned~~. Documentation shall include all of the following on **either** a certificate of attendance**,** ~~or~~ letter of participation, or ~~on~~ a professional development transcript:

(a) ~~Name~~ **The name** of **the** sponsoring organization.

(b) ~~Program~~ **The program** date.

(c) ~~Title~~ **The title** of **the** program.

~~(d) Start and stop time.~~

~~(e)~~ **(d)** ~~Signature~~ **The signature or the seal** of **the** sponsor **on a document which** ~~verifying~~ **verifies** that the participant was present and stayed for the length of the training.

~~(f)~~ **(e)** ~~Number~~ **The number** of CEUs issued.

~~(4) A qualified interpreter who fails to maintain appropriate CEUs is not eligible for renewal or reapplication until he or she has satisfied all continuing education requirements.~~

R 393.5083 ~~CEU requirements; medical; legal; deafblind; educational.~~ **Rescinded.**

~~Rule 83. (1 An interpreter qualified to interpret for a proceeding in standards level 2 and 3 shall meet the following requirements when fulfilling continuing education requirements for each cycle, as applicable:~~
~~(a) Acquire a minimum of 2.0 CEUs on health care and mental health interpreting related subjects for every 4-year cycle in medical and mental health environments and maintain medical endorsement.~~
~~(b) Acquire a minimum of 2.0 CEUs related to legal interpreting and related subjects for every 4-year cycle in legal environments and maintain legal endorsement.~~
~~(2) Acquire a minimum of .8 CEUs in educational interpreting related subjects for every 4-year cycle in educational settings.~~
~~(3) In deafblind environments and to maintain deafblind endorsement, a qualified interpreter shall complete not less than .8 deafblind CEUs per 4 year cycle.~~
~~(4) Interpreters certified by RID shall submit to the division only the CEUs needed for endorsement purposes.~~

R 393.5084 CEU activities; automatic approval.

Rule 84. **The following continuing education activities are considered board approved:**

(a) An RID-sponsored continuing education activity, if the applicant submits proof to the department that an event has been approved for CEUs by the RID.

(b) CEUs used to satisfy the continuing education requirements of another jurisdiction if the CEUs meet the requirements in R 393.5081, and if appropriate documentation is provided.

(c) CEUs submitted for general studies or electives that are accepted by other licensed professions in this state if the CEU is approved by the other profession's board.

(d) Proof of successful completion of coursework related to the interpreter profession that was taken for credit or audit from an accredited university, college, or other education institution, pursuant to R 393.5053. ~~College credit or successfully audited college courses~~ **The coursework shall be** documented by a transcript that shows the name of the institution, number of hours, name of participant, date completed, and evidence of successful completion~~, shall receive automatic approval~~. **CEU credit shall be granted as follows:**

(i) Semester system: 1 credit hour = 15 clock hours.

(ii) Quarter system: 1 credit hour = 10 clock hours.

(e) A program related to the interpreting profession given or facilitated by the Michigan department of education.

(f) Supervising an interpreter trainee under R 393.5029 or a student intern under R 393.5054. One hour of documented mentoring is equal to .2 CEUs or 2 hours. Supervising hours may be submitted as professional or general studies.

R 393.5085 ~~Sponsored activities~~ **Continuing education program approval**.

Rule 85. (1) ~~At least 4 weeks~~ **Not less than 60 calendar days** in advance of the activity, a person, firm, association, corporation, or group, other than those addressed in R 393.5084, seeking ~~pre-~~approval ~~as~~ **of** a ~~CEU sponsor~~ **continuing education program, including workshops and conferences,** shall ~~submit a sponsorship~~ **complete an** application **on a form provided by the department and submit the application** to the ~~division~~ **department** for approval along with all of the following:

~~(a) Completion of DODHH CEU event sponsorship request form available on the division website or through the division office.~~

~~(b)~~ **(a)** A detailed and timed training outline~~,~~ **that includes all of the following:**

(i) ~~a~~ **A** description of course materials~~, and~~**.**

(ii) ~~the~~ **The** presenter's name~~. and~~

(iii) A short biography **of the presenter,** including **his or her** credentials.

~~(c)~~ **(b)** Copies of advertisements, flyers, or registration forms.

~~(d)~~ **(c)** Measurable objectives for the **continuing education** program.

~~(e) Agreement to display the division approval language and logo.~~

~~(f)~~ **(d)** Assurance that the ~~sponsor~~ **continuing education applicant** has verification of the expertise of the trainer or workshop presenter in the topics presented.

~~(g)~~ **(e)** The number of contact hours for each **continuing education** program~~,~~**.**

(f) ~~the~~ **The** date~~,~~ and the place of the **continuing education program** ~~workshop/event~~.

(2) The department shall deny approval of a continuing education program that was conducted before being approved by the department.

(3) Department approval is for a term of 3 years from the date of approval.

(4) The department shall re-evaluate an approved continuing education program before any changes are made during the approval term. To be considered for approval and subject to subrule (5) of this rule, all changes to a previously approved continuing education program shall be submitted to the department on a departmental form not less than 30 calendar days before the date the continuing education is offered to participants. The department shall deny approval of any changes made to the previously approved continuing education program that was conducted before re-evaluation and approval. Changes include, but are not limited to, revisions in the following:

(a) Instructors and speakers.

(b) Continuing education program content, title, and number of continuing education program hours to be awarded to participants.

(5) Emergency changes to instructors and speakers that cannot be submitted to the department not less than 30 calendar days before the date of the continuing education program, as required under subrule (4) of this rule, may be reviewed by the department when proof acceptable to the department is submitted with the change supporting the nature of the emergency.

(6) The specific dates that the continuing education program are offered do not require further approval and may be changed without review as long as the presentation dates are within the department's original 3-year term of approval.

~~(2)~~ **(7)** The sponsor shall verify attendance at each **continuing education** program and provide a signed certificate of attendance only to interpreters who ~~successfully~~ complete the ~~activity or course~~ **continuing education program**. **All of the following must be recorded on a continuing education program certificate or other proof prepared by the entity conducting the continuing education program:**

(a) The name of the sponsor providing the continuing education program.

(b) Continuing education program approval number issued by the department.

(c) The course title.

(d) Speaker or instructor who presented the continuing education program.

(e) The date the approved continuing education program was conducted.

(f) The number of CEUs and hours awarded.

(g) The approved sponsor's signature.

(h) The dates of the current approval term.

(i) The name of the participant.

(8) The department may revoke the approval status of any approved continuing education program at any time the continuing education program fails to comply with these rules.

~~(3)~~ **(9)** Upon request, the ~~sponsor~~ **provider of the continuing education program** shall allow ~~division~~ **department** staff or a designee access to observe ~~a sponsored event~~ **the program** for compliance review without cost.

(10) The continuing education provider shall maintain proof of attendance at a continuing education program for 4 years and shall allow access to the department, if requested.

~~(4)~~ **(11)** A ~~sponsor~~ **continuing education provider** shall provide a mechanism for evaluation of the **continuing education** program by the participants.

~~(5)~~ **(12)** If a ~~sponsor~~ **continuing education provider** fails to comply with any of the requirements of this rule, then the ~~division~~ **department** shall notify the sponsor that it will not accept attendance at, or participation in, any of that sponsor's ~~CEU~~ **continuing education** programs until the ~~division~~ **department** receives assurance of compliance with this rule.

~~(6)~~ **(13)** The ~~division~~ **department** may decline to ~~sponsor~~ **approve** ~~an activity~~ **a program** that does not enhance professional development or that may present a conflict of interest for the ~~division~~ **department**.

(14) The department may request assistance from board members regarding evaluation of a continuing education program.

R 393.5086 ~~Independent study.~~ **Rescinded.**

~~Rule 86. All workshops, study groups, **or** professional conferences, or other mentoring activities that are self-directed shall be submitted for preapproval by the interpreter to the division at least 4 weeks before the activity. An interpreter shall submit all of the following documentation, as appropriate:~~

~~(a) An independent study form provided by the division board with an application fee, as required in R 393.5094.~~

~~(b) A timed, detailed agenda or advertisement.~~

~~(c) A certificate of attendance received after participation, or a letter of verification on official letterhead of the sponsor, stating the name of the participant, time attended or spent in participation, and the topic.~~

PART 9. PROCEDURES FOR RENEWAL

R 393.5091 Renewal**, recertification for RID certificate holders**; expiration; renewal of credentials.

Rule 91. (1) ~~An interpreter desiring to interpret for a proceeding for D/DB/HH persons residing in this state shall maintain current certification and listing as a qualified interpreter in this state.~~

~~(2)~~ ~~The state-issued credential~~ **certification** ~~issued to~~ **An** RID certificate ~~holders and EIPA certificate holders~~ **holder's state-issued certification** expires **biennially** on **the date the initial state certification for the RID certificate holder was issued, unless he or she also possesses a basic qualified interpreter, advanced, DI, or educational qualified interpreter certification, and in that case the recertification expires on the expiration date of the first certification issued to the qualified interpreter.**

~~June 30 of the year following the initial certification~~.

~~(3)~~ **(2)** An interpreter ~~holding~~ **who holds** an ~~EIPA or~~ RID ~~credential~~ **certificate** shall **biennially** ~~annually~~ submit **the required fee,** a renewal application on **a** ~~forms~~ **form** provided by the ~~division~~ **department**, ~~along with professional development documentation and appropriate fee, so that it is~~ **and all of the following to the department** ~~postmarked on or~~ before ~~June 30.~~ **the state certification expiration date:**

(a) ~~Each nationally certified interpreter shall also submit a~~ **A** ~~valid~~ **current and unexpired** copy of his or her interpreter card issued by **an** RID or **a** receipt showing certification maintenance payment and **type of** certification ~~level(s)~~.

(b) A statement signed by the applicant who agrees to comply with the rules and regulations for state certification as an interpreter.

(c) A statement signed by the applicant who attests to the information in the application and who affirms that the applicant shall comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052, and to conduct himself or herself as required under these rules.

(d) A signed statement on the application for renewal that certifies compliance with the continuing education requirements of part 8 of these rules.

~~(4) An application submitted by the postmark date of June 30 is exempt from late fees; however, the postmark does not guarantee processing of the applications mailed less than 10 business days before June 30.~~

~~(5)~~ **(3)** ~~An EIPA or~~ **An interpreter who holds an** RID ~~certified interpreter~~ **certificate and** who fails to **biennially** renew his or her qualified interpreter **state certification** ~~certificate in this state by June 30~~ **before** ~~of the year in which~~ **the date** his or her ~~credential~~ **state certification** expires **may, within 60 calendar days of the certification expiration date, file to renew his or her certification by paying the required fees. The interpreter** shall pay a late fee equal to ½ the renewal fee**,** ~~as provided~~ under R 393.5094, in addition to the regular renewal fee, **and meet the requirements in subrule (2) of this rule**. **All continuing education must be finalized before the certification expiration date. The applicant may continue to practice and use the title during the 60-day time period if he or she otherwise complies with this subrule. During the 60-day time period, the applicant is subject to the act and these rules.**

~~(6)~~ **(4)** ~~An EIPA or~~ **An interpreter who holds an** RID ~~certified interpreter~~ **certificate and** who fails to ~~submit~~ **renew** his or her **state certification** ~~renewal~~ within ~~45~~ **60** calendar days ~~following the date that the credential expired shall pay a reinstatement fee in addition to late fees~~ **of the state certification** ~~credential expired~~ **expiration date has a lapsed certification.**

(5) An applicant may be recertified by the state by submitting to the department all of the following:

(a) The recertification fee.

(b) The late fee equal to ½ of the renewal fee.

(c) A recertification application on a form provided by the department.

(d) Proof that he or she has met the continuing education requirements of part 8 of these rules within 2 years before the date of application and met the requirements in subrule (2)(a) to (c) of this rule.

(6) **If the CEUs submitted with the application are deficient, an applicant shall have 1 year from the date of the application to correct any deficiencies found in the application. However, the application must be held, and the certification must not be issued until the continuing education requirements have been met.**

(7) An application is valid for 1 year from the date the department received the application.

R 393.5092 Renewal~~,~~**; recertification** ~~for~~ **basic, advanced, educational, DI** state ~~certified~~ **certifications** ~~qualified interpreters, educational qualified interpreters; retesting~~.

Rule 92. (1) ~~The state-issued credential certification of every qualified interpreter holding state-issued certification by examination shall meet the renewal requirements of R 393.5091 (1).~~

~~(2) The state-issued credential~~ **A qualified interpreter's state-issued basic, advanced, educational, or DI certification** ~~to BEI certificate holders, and DI certificate holders shall expire annually~~ **expires biennially** on the date ~~of~~ the initial **basic, advanced, educational, or DI** certification **was issued, unless he or she also holds a state certification based on an RID certificate. In that case, the recertification shall expire on the expiration date of the first certification issued to the qualified interpreter**.

~~(3) The state-issued credential to DI certificate holders shall expire annually on the date of the initial certification.~~

~~(4)~~ **(2)** An interpreter ~~holding~~ **who possesses** a state-issued **basic, advanced, educational, or DI** certification shall **biennially** submit **the required annual fee,** a renewal application on ~~forms~~ **a form** provided by the ~~division~~ **department**, ~~along with professional development documentation and appropriate fee, so that it is~~ **and all of the following to the department** postmarked ~~on or before its individualized date.~~ **by the certification expiration date:**

(a) A statement signed by the applicant who agrees to comply with rules and regulations for state certification as an interpreter.

(b) A statement signed by the applicant who attests to the information in the application and who affirms that the applicant shall comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052, and shall conduct himself or herself as required under these rules.

(c) A signed statement on the application that certifies compliance with the continuing education requirements of part 8 of these rules.

~~(5)~~ **(3)** A qualified interpreter who fails to renew his or her ~~qualified interpreter certificate~~ **state-issued basic, advanced, educational, or DI certification by the expiration date of the certification** ~~in this state by the due date in which his or her credential expires shall pay~~ **may, within 60 calendar days of his or her certification expiration date, file to renew his or her certification. A qualified interpreter shall pay** a late fee equal to ½ the renewal fee, ~~as provided~~ under R 393.5094, in addition to the regular renewal fee, **and meet the requirements in subrule (2) of this rule**. **All continuing education must be finalized before the expiration date of the certification. The applicant may continue to practice and use the title during the 60-day time period if he or she otherwise complies with this subrule. During the 60-day time period the applicant is subject to the act and these rules.**

~~(6)~~ **(4)** A ~~state certified~~ qualified interpreter who **fails to renew** ~~allows~~ his or her ~~credential to lapse shall be required to retest, unless the fully completed renewal is submitted within 90 calendar days following the date that the credential expired~~ **state-issued basic, advanced, educational, or DI certification, within 60 calendar days of the state certification expiration date, has a lapsed certification.**

(5) An applicant may be recertified by submitting to the department all of the following:

(a) The recertification fee.

(b) The late fee equal to ½ of the renewal fee.

(c) A recertification application on a form provided by the department.

(d) Proof that he or she has met the continuing education requirements in part 8 of these rules, within 2 years before the date of application for recertification.

(6) If the CEU's submitted with the application are deficient, the applicant shall have 1 year from the date of the application to correct any deficiencies found in the application. However, the application will be held, and the certification will not be issued until the continuing education requirements have been met. The applicant shall also comply with either of the following, as applicable:

(a) If the applicant's previous state-issued basic, advanced, educational, or DI certification was lapsed 3 or less years, the applicant shall meet the requirements in subrule (2)(a) to (c) of this rule.

(b) If the applicant's previous state certification was lapsed more than 3 years, the applicant shall meet the requirements in subrule (2)(a) to (c) of this rule and pass within 1 year of his or her application for recertification the interpreter exam at the level he or she most recently passed.

~~(7) An interpreter's 4-year testing cycle begins upon achieving a MI BEI. At the end of each 4-year testing cycle, a qualified interpreter with a MI BEI I certificate on the state-administered examination MI BEI shall continue to retest for a higher certification in addition to meeting all other renewal~~

~~requirements. An extension will not be granted for failure to successfully complete testing before the end of the testing cycle. A reinstatement fee plus testing will be required.~~

~~(8) The holder of a MI BEI I shall submit his or her CEU requirements annually.~~

~~(9) Upon passage of the MI BEI II test or higher level, an interpreter qualified through the state-certification process shall not be required to test every 4 years. The interpreter may submit 2.0 CEUs requirements annually or 4.0 CEUs every other year. Renewal fees are due annually.~~

~~(10) The division may prorate the number of CEUs due from an person~~ **interpreter** ~~that is transitioning from a lower standard level certification to a higher-level standard level certification. Prorated CEUs shall be rounded to the nearest whole number.~~

(7) An application is valid for 1 year from the date the department receives the application.

R 393.5093 ~~Notification; change of address; renewal~~. **Renewal for deaf-blind, medical-mental, and legal endorsements.**

Rule 93. (1)~~ A qualified interpreter shall notify the division department of any change of address or contact information within 30 days of the occurrence of the change.~~ **Beginning on January 1, 2022, a deaf-blind, medical-mental, and legal endorsement expires every 2 years on the date of the qualified interpreter's certification.**

(2)~~ Failure to receive a renewal notification from the division does not constitute an excuse for failure to submit a renewal application to the division with the appropriate documentation and fees by the due date.~~ **A qualified interpreter shall renew his or her endorsement biennially by submitting to the department all of the following:**

(a) The required annual fee.

(b) A renewal application on a form provided by the department.

(c) A signed statement on the application that certifies compliance with the continuing education requirements of part 8 of these rules.

(3) If the qualified interpreter's certification has expired, the requirements for the qualified interpreter's certification must be satisfied before applying for an endorsement.

(4) A qualified interpreter who fails to renew his or her endorsement by the expiration date of the endorsement may renew an endorsement within 60 calendar days of his or her endorsement expiration date by paying the regular renewal fee and a late fee equal to ½ of the renewal fee under R 393.5094 and meeting the requirements in subrule (2) of this rule. All continuing education must be finalized within 2 years before the date of application of the endorsement. An applicant may continue to practice and use the title during the 60-day time period if he or she otherwise complies with this subrule. During the 60-day time period the applicant is subject to the act and these rules.

(5) If a qualified interpreter allows an endorsement to lapse more than 60 calendar days after the endorsement has expired, he or she shall meet the requirements of R 393.5028 to apply for an endorsement.

R 393.5093a Petition to review decision denying certification, endorsement, permit, or recognition.

Rule 93a. A person who is denied a certification, an endorsement, a permit, or a recognition of a program may petition the department for a review of that decision by filing a request in writing to the department, within 30 calendar days after the decision.

R 393.5094 Fees.

Rule 94. The following fees shall be paid to the ~~division~~ **department**, as appropriate:

(a) Renewal or application fees ~~provided~~ under **section 8c of the act,** MCL 393.508c.

(b) Testing fees ~~provided~~ under **section 8e of the act,** MCL 393.508e**.**

(c) Fees for ~~other~~ services provided by the ~~division~~ **department** to carry out the ~~provisions~~ **provision** of **section 4(l) of the division on deaf, deafblind, and hard of hearing act, 1937 PA 72,** MCL 408.204**, including but not limited to all of the following**~~as follows~~:

(i) A $45 renewal fee that includes the late fee prescribed in R 393.5091, **R 393.5092, and R 393.5093** if a person fails to renew ~~on or before~~ **by** the expiration date prescribed by the ~~division~~ **department**.

(ii) A $10 duplicate credential fee, if the person applying for a duplicate credential signs a statement verifying that the original document has been lost, stolen, or destroyed.

(iii) A $10 fee for providing written verification that a person ~~is or is not certified~~ **does or does not hold a certification as a qualified interpreter** with the ~~division~~ **department** at the ~~time of the~~ request for verification.

(iv) A $35 fee to provide specific detailed information in addition to and including the information described in paragraph (iii) of this subdivision.

(v) A $10 fee for correcting ~~division~~ **department** records and issuing a new credential when a person notifies the ~~division~~ **department** of a change of name, address, or employer. If the change does not require the issuance of a new credential, no charge shall be made for correcting the ~~division's~~ **department's** records.

(vi) A $20 fee for an assessment of English skills for interpreters who have not already passed an equivalent assessment, when required for ~~medical~~ **a medical-mental health, DI,** and legal ~~designations~~ **endorsement**, or as an English proficiency proctoring fee.

(vii) A $25 fee for **review of continuing education programs** ~~organizational sponsorship of professional development units (CEUs)~~.

(viii) A $125 ~~reinstatement~~ **recertification** fee as described in R 393.5091~~(6)~~ and R 393.5092~~(7)~~.

R 393.5095 Refunds; conditions; rescheduling examinations.

Rule 95. (1) The ~~division~~ **department** shall issue refunds if it cancels ~~an examination~~ **a test** or service that was paid for and not received due to cancellation or error by the ~~division~~ **department**, except for events that ~~will be~~ **are** rescheduled.

~~(2) If approved by the division, a refund shall be issued if the testing candidate or his or her immediate family experiences death, serious illness, a call to active duty, or another situation beyond his or her control. The person shall notify the division of the circumstance as soon as possible before the event for which the fee was paid. Proof shall be provided not later than 30 days after the occurrence.~~

~~(3)~~ **(2)** Failure to appear for a performance ~~examination~~ **test** on a scheduled date~~,~~ or arriving more than 15 minutes late for a confirmed performance ~~examination~~ **test**, shall result in forfeiture of the ~~examination~~ **test** fee, unless waived by the ~~division~~ **department**.

~~(4)~~ **(3)** The fee is subject to forfeiture if the candidate for **a** ~~Test of Proficiency~~ **TEP** fails to arrive or arrives after the testing door has closed.

~~(5)~~ **(4)** Consideration shall be given for severe weather conditions if the conditions cause an applicant to fail to appear or to be late in arriving to the ~~examination~~ **test**.

~~(6) The division shall follow school closure notification in determining severe weather to cancel events or testing. If the school district is closed, testing shall be cancelled and rescheduled. No refunds shall be given if an event is rescheduled.~~

~~(7)~~ **(5)**The division shall offer an opportunity to the applicant to reschedule ~~an examination~~ **the test** as soon as possible after the cancellation of the ~~examination~~ **test**. If the person does not complete the ~~examination~~ **test** within 1 calendar year of the cancellation, then the fee shall be forfeited.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Qualified Interpreter – General Rules
Rule Set 2018-70 LR

NOTICE OF PUBLIC HEARING
Monday, December 21, 2020
01:00 PM

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. Password for video connection: 583087 Phone number: 877-336-1831 Conference Code for audio connection: 486917
https://us02web.zoom.us/j/89864417239?pwd=czdVaG16K3dLUlVTTGpBZ1VpUm4zUT09

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Qualified Interpreter – General Rules rule set.

The proposed rules include the following changes: clarify who is subject to the rules to reduce confusion; clarify the minimum credentials for certification and the types of certification; modify the endorsements that are required for specialized situations; add a deaf qualified interpreter and educational qualified interpreter certifications; separate the requirements for state certification as a RID holder from other state certifications based on credentials and testing; place certification types in a table that includes the credentials and the proceedings and environments where the interpreter may work; update the requirements for endorsements; establish an interpreter trainee permit and interpreter trainee supervisor; clarify testing requirements and no longer require that applicants retest as long as their certification does not lapse; clarify the requirements for certification, renewal, and recertification; expand the list of offenses to establish a lack of good moral character when evaluating an application; modify the process for a school district to request an exception to the minimum educational standards; clarify the use of a waiver to the requirement to use a qualified interpreter; modify exemptions to state certification; expand the minimum requirements for qualified interpreters; update the requirements for video remote interpreting; modify the complaint and hearing process; streamline continuing education (CE) requirements; allow for a waiver of CE in extenuating circumstances; provide a list of preapproved CE programs; clarify the CE review process; and clarify fees.

MCL 393.508a, MCL 445.2001, MCL 445.2011, MCL 445.2030, MCL 445.2035, and MCL 445.2036. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 12/15/2020 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing– Boards and Committees Section, Attention: Policy Analyst
Department of Licensing and Regulatory Affairs Bureau of Professional Licensing– Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170
Email: ditschmana@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 12/21/2020 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY MEDICINE - 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 department of licensing and regulatory affairs by sections 16145**, 16215, 16287,** and 18813 of **the public health code,** 1978 PA 368, MCL 333.16145**, 333.16215, 333.16287,** and ~~MCL~~ 333.18813, 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)

R 338.4901, R 338.4903, R 338.4904, R 338.4905, R 338.4906, R 338.4907, R 338.4909, R 338.4910, R 338.4911, R 338.4921, R 338.4931, and R 338.4933 of the Michigan Administrative Code are amended, R 338.4901a, R 338.4907a, R 338.4907b, and R 338.4907c are added, and R 338.4902, R 338.4908, R 338.4913, R 338.4914, R 338.4914a, R 338.4915, and R 338.4920 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.4901 Definitions.

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

(a) **"Animal patient" means an animal as defined in section 18802(2) of the code, MCL 333.18802.**

(b) "Board" means **the Michigan** board of veterinary medicine created in section 18821 of the code, MCL 333.18821.

~~(b)~~ **(c)** "Client" means an owner, as defined in section 18802(3) of the code, MCL 333.18802~~(3)~~, or a responsible party **of the animal patient**.

~~(c)~~ **(d)** "Code" means **the public health code,** 1978 PA 368, MCL 333.1101 to 333.25211.

~~(d)~~ **(e)** "Department" means the department of licensing and regulatory affairs.

~~(e) "Patient" means an animal, as defined in section 18802(2) of the code, MCL 333.18802(2).~~

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

R 338.4901a Telehealth services.

Rule 1a. (1) A veterinarian providing a telehealth service shall do all of the following:

(a) Ensure that the client knows the identity and contact information of the veterinarian providing the telehealth service. Upon request, the veterinarian shall provide his or her licensure information including the name of the state where he or she is licensed and his or her license number.

(b) Ensure that the technology method and equipment used to provide telehealth services complies with all current privacy-protection laws.

(c) Employ sound professional judgment to determine whether using telehealth is an appropriate method for delivering medical advice or treatment to the animal patient.

(d) Have sufficient knowledge of the animal patient to render telehealth services demonstrated by satisfying 1 of the following:

(i) Have recently examined the animal patient in person or have obtained current knowledge of the animal patient through the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically.

(ii) Have conducted medically appropriate and timely visits to the premises where the group of animal patients is kept.

(e) Act within the scope of his or her practice.

(f) Exercise the same standard of care applicable to a traditional, in-person veterinary care service.

(g) Make himself or herself readily available to the animal patient for follow up veterinary services or ensure there is another suitable provider available for follow up care.

(2) Consent for medical advice and treatment shall be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(3) Evidence of consent for medical advice and treatment must be maintained in the animal patient's medical record.

(4) A veterinarian providing a telehealth service may prescribe a drug if the veterinarian is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285.

PART 2. EXAMINATION AND EDUCATION

R 338.4902 ~~Licensure by examination; requirements.~~ **Rescinded.**

~~Rule 2. An applicant for a Michigan veterinary 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, and the administrative rules promulgated under the code, an applicant shall satisfy both of the following requirements:~~

~~(a) Have satisfied 1 of the following educational requirements:~~

~~(i) Graduated from a veterinary college that satisfies the requirements of R 338.4908.~~

~~(ii) Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association.~~

~~(iii) Obtained a certificate from the Program for the Assessment of Veterinary Education Equivalence from the American Association of Veterinary State Boards (AAVSB).~~

~~(b) Have achieved a passing score on the examination adopted in R 338.4903.~~

R 338.4903 Examination; approval and adoption**; passing score**.

Rule 3. **(1)** The board approves and adopts the North American Veterinary Licensing Examination (NAVLE) developed by the International Council for Veterinary Assessment **(ICVA)** or its predecessor organization.

(2) The passing score for the NAVLE is the score determined by the ICVA or its predecessor organization.

R 338.4904 ~~Rescinded.~~ **Approval of veterinary colleges; adoption of standards.**

Rule 4. (1) The board approves and adopts by reference the standards for Accrediting Colleges of Veterinary Medicine adopted by the American Veterinary Medical Association (AVMA) Council on Education entitled "Accreditation Policies and Procedures of the AVMA Council on Education," September 2020.

(2) A copy of the "Accreditation Policies and Procedures of the AVMA Council on Education" is available at https://www.avma.org/sites/default/files/2020-10/COE-pp-September-2020.pdf. A copy is available for inspection and distribution at a cost of 10 cents per page from the Board of Veterinary Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

PART 3. LICENSURE

R 338.4905 ~~Rescinded.~~ **Licensure by examination; requirements.**

Rule 5. An applicant for a veterinary 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 shall satisfy both of the following:

(a) Have satisfied 1 of the following educational requirements:

(i) Graduated from a veterinary college that satisfies the requirements of R 338.4904.

(ii) Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates (ECFVG) of the AVMA.

(iii) Obtained a certificate from the Program for the Assessment of Veterinary Education Equivalence (PAVE) from the American Association of Veterinary State Boards (AAVSB).

(b) Have achieved a passing score on the examination adopted in R 338.4903.

R 338.4906 Licensure by endorsement; requirements.

Rule 6. (1) An applicant for a ~~Michigan~~ veterinary license by endorsement 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 shall satisfy 1 of the following:**

(a) An applicant ~~shall~~ **who** ~~meet the requirements of the code, and the administrative rules promulgated under the code, and shall satisfy the following requirements:(a)~~ ~~Possess~~ **has** ~~current licensure~~ **been licensed** as a veterinarian **and actively practicing** in another state of the United States **for 5 or more years is presumed to have satisfied section 16186 of the code, MCL 333.16186.**

(b) An applicant who has been licensed as a veterinarian for less than 5 years shall satisfy both of the following:

(i) ~~(b)~~ Have achieved a passing score on the examination adopted under R 338.4903 ~~if the applicant has not been licensed as a veterinarian in another state for a minimum of 5 years~~.

(ii) ~~(c)~~ Have satisfied 1 of the following requirements:

~~(i)~~**(A)** Graduated from a veterinary college that satisfies R ~~338.4908~~ **338.4904**.

~~(ii)~~**(B)** Obtained a certificate from the ~~Educational Commission for Foreign Veterinary Graduates~~ **ECFVG** of the ~~American Veterinary Medical Association~~ **AVMA**.

~~(iii)~~**(C)** Obtained a certificate from the ~~Program of the Assessment of Veterinary Education Equivalence~~ **PAVE** from the AAVSB.

(2) The applicant's license **in good standing** must be verified~~, on a form provided by the department,~~ 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 veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending ~~disciplinary action imposed~~ against the applicant.

R 338.4907 ~~Rescinded.~~ **Educational limited license; requirements; limitations.**

Rule 7. (1) 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, an applicant shall meet both of the following:

(a) Achieve a passing score on the examination adopted in R 338.4903.

(b) Be admitted as a student to a postgraduate training program at a college of veterinary medicine that satisfies the requirements of R 338.4904.

(2) The holder of an educational limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of his or her postgraduate training program in the college of veterinary medicine approved by the board for the training.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

R 338.4907a Clinical academic limited license requirements; limitations.

Rule 7a. (1) An applicant for a clinical academic 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, the applicant shall have been appointed to the academic faculty of a Michigan college of veterinary medicine that is approved by the board pursuant to R 338.4904.

(2) A clinical academic limited license authorizes the holder to engage in the practice of veterinary medicine only to the extent necessary to fulfill his or her employment obligations as a clinical instructor at a college of veterinary medicine approved by the board. The holder of a clinical academic limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of the limitations specified by the college of veterinary medicine at the time of appointment to the academic faculty and in conjunction with the application for limited license.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

R 338.4907b Senior student limited license requirements; limitations.

Rule 7b. (1) An applicant for a senior student limited license issued pursuant to section 18812(1) of the code, MCL 333.18812, 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, the applicant must be a senior student in a Doctor of Veterinary Medicine program at a college of veterinary medicine approved by the board pursuant to R 338.4904 and satisfy all of the following:

(a) Provide a letter of enrollment as a senior student in good standing from the dean of a veterinary school approved by the board pursuant to R 338.4904.

(b) Achieve a passing score on the examination adopted in R 338.4903.

(c) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.

(2) A senior student limited licensee shall not do either of the following:

(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(c) of this rule.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

(3) The senior student limited license is granted for 1 year and may not be renewed.

R 338.4907c Graduate of nonapproved veterinary education program limited license; requirements; limitations.

Rule 7c. (1) An applicant for a graduate of a nonapproved veterinary education program limited license issued pursuant to section 18812(2) of the code, MCL 333.18812, shall submit a completed application on a form provided by the department, together with the requisite fee, and satisfy all of the following:

(a) Provide proof that he or she is a graduate of a veterinary education program. If documentation submitted pursuant to this subrule is in a language other than English, an original, official translation must also be submitted.

(b) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.

(2) A graduate of a nonapproved veterinary education program limited licensee shall not do either of the following:

(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(b) of this rule.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

(3) The graduate of a nonapproved education program limited license is granted for 1 year and may not be renewed.

R 338.4908 ~~Approval of veterinary colleges; adoption of standards.~~ **Rescinded.**

~~Rule 8. (1) The board approves and adopts by reference the standards for Accrediting Colleges of Veterinary Medicine adopted by the American Veterinary Medical Association (AVMA) Council on Education entitled "Accreditation Policies and Procedures of the AVMA Council on Education", May 2017, revised September 2017.~~

~~(2) The standards for Accrediting Colleges of Veterinary Medicine adopted by the American Veterinary Medical Association Council on Education may be obtained, at no cost, from the American Veterinary Medical Association, 1931 North Meacham Road, Suite 100, Schaumburg, IL 60173 or at the association's website at http://www.avma.org. A copy of the handbook is available for inspection and distribution at cost from the Board of Veterinary Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.~~

R 338.4909 ~~Rescinded.~~ **Relicensure.**

Rule 9. An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:

(1) For an applicant 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**
(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 under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.		
(c)	**Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.**		√
(d)	**Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.4933.**	√	√
(e)	**Examination: passage of the examination approved pursuant to R 338.4903 within 1 year prior to the application for relicensure.**		√
(f)	**License verification: an applicant's license in good standing shall 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 veterinarian. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.**	√	√
(2) For an applicant 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**
(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 under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.**	√	√
(c)	**Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.**		√
(d)	**Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.4933.**	√	√
(e)	**License verification: an**	√	√

	applicant's license in good standing shall 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 veterinarian. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.		

PART 4. SUPERVISION AND DELEGATION

R 338.4910 Supervision of veterinary student **or limited licensee** by veterinarian.

Rule 10. **If a veterinarian is supervising a veterinary student or limited licensee, the veterinarian shall provide the supervision** ~~Supervision of a veterinary student by a veterinarian as~~ **included** ~~required~~ in section ~~18812~~ **18802(4)** of the code, MCL ~~333.18812~~, **333.18802, which requires** ~~is~~ that degree of close physical proximity necessary for the supervising veterinarian to directly observe and monitor the performance of the **veterinary** student ~~and~~ **or limited licensee** to ensure that the ~~activities of the student~~ **student's or limited licensee's performance is** ~~are~~ within the scope of the ~~orders, assignments, or prescriptions~~ **order, assignment, or prescription** of the veterinarian **and being performed with the skill expected by the supervising veterinarian**.

R 338.4911 ~~Veterinary examination of patient when procedures are~~ **Limitations on delegation; veterinarian supervision** ~~delegated; veterinarian observation~~ of delegatee's performance.

Rule 11. **(1) Except as limited by section 16215(1) of the code, MCL 333.16215,** ~~A~~ **a** veterinarian ~~shall~~ **may** ~~not~~ delegate the performance of **an act,** ~~acts,~~ **task,** ~~tasks,~~ or **function** ~~functions~~ that ~~fall~~ **falls** within the practice of veterinary medicine **to an individual who is otherwise qualified to perform the act, task, or function.**

(2) Before delegating an act, task, or function that falls within the practice of veterinary medicine, ~~unless~~ the veterinarian ~~has~~ **shall** first ~~examined~~ **examine** the **animal** patient on which the delegated ~~procedures are~~ **act, task, or function is** to be performed and ~~determined~~ **determine** the **appropriate treatment for the animal patient** ~~need for such veterinary services~~.

(3) The delegating veterinarian shall observe**,** ~~and~~ monitor**, and supervise** the **delegatee's** performance ~~of the delegated procedures~~ to the extent necessary to ensure that the ~~activities of the delegatee~~ **delegatee's performance is** ~~are~~ within the scope of the ~~orders, assignments, or prescriptions of the veterinarian~~ **delegation given and being performed with the skill expected by the delegating veterinarian**.

R 338.4913 ~~Veterinary facilities; sanitation requirements; inspection report; notice of complaint.~~ **Rescinded.**

~~Rule 13. (1) A departure from the provisions of this rule is deemed to constitute a departure from, or failure to conform to, minimal standards of acceptable and prevailing veterinary medical practice.~~

~~(2) A veterinary facility shall be maintained in a sanitary manner.~~

~~(3) The determination of whether a veterinary facility is maintained in a sanitary manner shall include, without limitation, consideration of whether the following requirements have been met:~~

~~(a) The facility shall be maintained in a clean and orderly condition.~~

(b) Floors, walls, windows, exam tables, and all equipment and storage cabinets shall be kept clean.

(c) Some form of sterilization shall be employed on all surgical instruments that is consistent with the standards of veterinary practice.

(d) Kennels in a facility or connected with a facility shall be kept clean. Excrement shall be promptly removed and disposed of in a proper manner. Enclosed facilities shall be properly screened and ventilated.

(4) The board or its designated agent may inspect any facility during regular business hours. The inspection function may be delegated to a representative of the state department of public health, to a representative of the local department of health, or to a licensed veterinarian selected by the board.

R 338.4914 Clinical academic limited licenses. **Rescinded.**

Rule 14. (1) An applicant for a clinical academic 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 thereto, the applicant shall have been appointed to the academic faculty of a board-approved Michigan college of veterinary medicine.

(2) A clinical academic limited license authorizes the holder thereof to engage in the practice of veterinary medicine only to the extent necessary to fulfill his or her employment obligations as a clinical instructor at a college of veterinary medicine approved by the board. The holder of a clinical academic limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of the limitations specified by the college of veterinary medicine at the time of appointment to the academic faculty and in conjunction with the application for limited license.

(b) Hold himself or herself out to the public as being engaged in the private practice of veterinary medicine.

R 338.4914a Educational limited licenses. **Rescinded.**

Rule 14a. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department, together with the required fee. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant shall satisfy both of the following requirements:

(a) Have achieved a passing score on the examination adopted in R 338.4903.

(b) Be admitted as a student to a post-DVM training program at a college of veterinary medicine that satisfies R 338.4908.

(2) The holder of an educational limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of his or her postgraduate training program in the college of veterinary medicine approved by the board for the training.

(b) Hold himself or herself out to the public as being engaged in the private practice of veterinary medicine.

R 338.4915 Relicensure. **Rescinded.**

Rule 15. (1) An applicant for relicensure, whose license has been lapsed for less than 3 years preceding the date of application for relicensure, may be relicensed if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character.

~~(c) Submits proof to the department of accumulating not less than 45 hours of continuing education that satisfy the requirements of R 338.4933.~~

~~(2) An applicant for relicensure whose license has been lapsed for 3 years or more preceding the date of application for relicensure may be relicensed if the applicant satisfies all of the following requirements:~~

~~(a) Submits the required fee and a completed application on a form provided by the department.~~

~~(b) Establishes that he or she is of good moral character.~~

~~(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).~~

~~(d) Satisfies either of the following requirements:~~

~~(i) Achieves a passing score on the examination adopted in R 338.4903 within 3 years preceding the application for relicensure.~~

~~(ii) Satisfies both of the following requirements:~~

~~(A) Presents evidence to the department that he or she held an active veterinarian license in another state at any time during the 3-year period immediately preceding the application for relicensure.~~

~~(B) Submits proof to the department of accumulating not less than 45 hours of continuing education that satisfy the requirements of R 338.4933.~~

~~(3) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license as a veterinarian. Verification includes, but is not limited to, the record of any disciplinary action taken or pending against the applicant.~~

R 338.4920 ~~Safeguards for drugs used in practice of veterinary medicine.~~ **Rescinded.**

~~Rule 20. (1) If drugs are dispensed in the manufacturer's original container, the original instructions shall be included.~~

~~(2) If drugs are dispensed in other than the manufacturer's original container, both of the following provisions shall apply:~~

~~(a) The container shall be equipped with a child-safe lock mechanism, if appropriate.~~

~~(b) The veterinarian's own label shall be affixed to the container and shall include all of the following information:~~

~~(i) The date the drug was dispensed.~~

~~(ii) The name of the patient.~~

~~(iii) The name of the client.~~

~~(iv) Complete instructions for use of the drug.~~

~~(v) The name of the drug.~~

~~(vi) The strength for unit dose.~~

~~(vii) The quantity dispensed.~~

~~(viii) The withholding time for food-producing animals and poultry.~~

~~(ix) The expiration date of the drug, when appropriate.~~

~~(x) The veterinarian's name or clinic's name, telephone number, and any appropriate precautionary statements, such as "Keep out of reach of children."~~

PART 5. MEDICAL RECORDS

R 338.4921 Medical records; requirements.

Rule 21. (1) A veterinarian who practices veterinary medicine in this state shall maintain a medical record for each **animal** patient**, herd, flock, or other group of animals** that accurately reflects the veterinarian's evaluation and treatment of the **animal**-patient **or group of animals rendered in person**

or through a telehealth service. Entries in the ~~patient~~ **medical** record ~~shall~~ **must** be made in a timely fashion.

(2) ~~A record shall be maintained on either a herd or flock, or an individual patient.~~ Records ~~shall~~ **must** be legible and ~~shall be~~ retrievable. A record ~~shall~~ **may** be maintained in either a written, electronic, audio, or photographic format.

(3) A record for an individual **animal** patient, group, herd, ~~or~~ flock**, or other group of animals** ~~shall~~ **must** document all of the following:

(a) Identification includes, but is not limited to, a tattoo, tag number, lot number, pen number, age, name, markings, sex, and species ~~of the patient~~, as available.

(b) Date of the last veterinary service.

(c) Name, address, and telephone number of the client.

(d) Location of **the animal patient or** patients, if not at the location of the veterinary practice.

(e) Reason for the contact including, but not limited to, the case history, problem ~~and/~~or signs of a problem, and whether the contact was a routine health visit or an emergency call.

(f) Vaccination history, when appropriate and if known.

(g) Results of the physical examination and a list of abnormal findings.

(h) Laboratory reports and other reports, when appropriate.

(i) Diagnostic procedures utilized and the reports that pertain to these procedures.

(j) Procedures performed including, but not limited to, surgery and rectal palpations.

(k) Daily progress notes, if hospitalized.

(l) Documentation of informed consent, if appropriate.

(m) Documentation of diagnostic options and treatment plans.

(n) Records of any client communication deemed relevant.

(o) Documentation of prescribed medication.

(4) ~~Records created before the effective date of this rule shall be maintained for a minimum of 3 years from the date of the last veterinary service.~~ Records ~~created on or after the effective date of this rule shall~~ **must** be maintained for a minimum of 7 years from the date of the last veterinary service.

(5) Medical records are confidential and must not be released without the consent of the client or as required to protect public health or by law.

(6) Copies of medical records must be provided upon written request from the client.

PART 6. LICENSE RENEWAL AND CONTINUING EDUCATION

R 338.4931 License renewal; continuing education.

Rule 31. (1) ~~This rule applies to an application for renewal of a veterinarian license that is filed for the renewal cycle beginning January 1, 2020.~~

~~(2)~~ **Beginning with licenses that expire on December 31, 2022, and for all renewals thereafter,** ~~An~~ **an** applicant for license renewal ~~who has been licensed for the 3-year period immediately preceding the application for renewal~~ shall have completed at least 45 hours of continuing education that satisfy the requirements of R 338.4933 in the 3 years preceding the application for renewal.

(2) ~~(3)~~ Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.

(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

(4) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221~~(h)~~.

R 338.4933 Acceptable continuing education; requirements; limitations.

Rule 33. (1) The 45 hours of continuing education required pursuant to R 338.4931(2) ~~for the renewal of a veterinarian license~~ must ~~satisfy~~ **comply with** all of the following:

(a) ~~No~~ **Not** more than 12 **continuing education** hours ~~are~~ **may be** earned during one 24-hour period.

(b) **A licensee may not earn credit** ~~Credit~~ for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period ~~is not granted~~.

(c) A minimum of 30 hours of continuing education is scientific in nature. **A continuing education program or activity is** ~~Scientific~~ **scientific** in nature **if it** includes the science of diagnosis, treatment, and prevention of disease as it relates directly to ~~a~~ **an animal** patient or topics such as public veterinary practice, epidemiology, food safety, public health, animal welfare, or antimicrobial stewardship.

(d) A minimum of 1 hour **of continuing education** ~~shall~~ **must** relate to medical records.

(e) A minimum of 1 hour **of continuing education** ~~shall~~ **must** relate to state veterinary law ~~and/~~or federal or state controlled substance laws**, or both**.

(f) A ~~minimum of 10~~ **maximum of 33 hours of continuing education may be completed in activities that use online, electronic, or printed format or by completing an activity that does not require or permit synchronous or live interaction during the activity.**

(g) A minimum of 12 hours **of continuing education must** ~~shall~~ be completed **by satisfying 1 of the following:**

(i) Earning 12 hours of continuing education in an activity attended live and in person**.**

(ii) Earning not less than 6 hours of continuing education in an activity attended live and in person and earning the remainder of the 12 required hours of continuing education by completing an activity that requires or permits synchronous, live interaction with the presenter, other participants, or both during the activity.

~~(g)~~**(h)** No more than 15 hours **of continuing education** ~~shall~~ **may** be earned collectively for activities ~~(2)d i~~ **in subrule (2)(d) to (h) of this rule**.

(2) The following is acceptable continuing education:

Activity Code	Activity and Proof of Completion	Number of continuing education hours granted/permitted
(a**)**	Attendance at or participation in a continuing education program or activity related to the practice of veterinary medicine or any non-clinical subject relevant to the practice of veterinary medicine, education, administration, management, or science which includes, but is not limited to, live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; or journal articles or other self-study programs approved or offered by any of the following: • AAVSB Registry of Continuing Education (RACE). • American Veterinary Medical Association (AVMA). • World Veterinary Association (WVA). • Michigan Veterinary Medical Association	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or approving organization for the specific program or activity.

	(MVMA). • A state veterinary board of another state. • Local, state, or regional professional organization. • Member institution of the Association of the American Veterinary Medical Colleges (AAVMC). • AVMA constituent allied organizations and recognized veterinary specialty organizations. • Centers for Disease Control & Prevention (CDC). • **The United States Department of Agriculture, Animal and Plant Health Inspection Service, if the program is a training module included in the National Veterinary Accreditation Program.** If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name organization that approved the activity, and the date on which the program was held or the activity completed.	
(b**)**	Attendance at or participation in a continuing education program or activity related to the practice of veterinary profession which includes but is not limited to: live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; and journal articles or other self-study programs, approved or offered by any of the following: • American Medical Association **(AMA)**. • Michigan State Medical Society **(MSMS)**. • Accreditation Council for Continuing Medical Education **(ACCME)**. • American Osteopathic Association **(AOA)**. • Michigan Osteopathic Association **(MOA)**. • Michigan Pharmacy Association **(MPA)**. • Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. • Accreditation Council for Pharmacy Education.	The number of continuing education hours for a specific activity or program is the number of hours approved by the sponsor or approving organization for the specific program or activity. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.

	If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the activity, and the date on which the program was held or the activity completed.	
(c)	Initial presentation of a continuing education program related to the veterinary profession. To receive credit, the presentation must not be part of the licensee's regular job description and must be approved or offered for continuing education by any of the following: • AAVSB – RACE. • AVMA. • WVA. • MVMA. • A state veterinary board of another state. • ~~American Medical Association~~ **AMA**. • ~~Michigan State Medical Society~~ **MSMS**. • ~~Accreditation Council for Continuing Medical Education~~ **ACCME**. • ~~American Osteopathic Association~~ **AOA**. • ~~Michigan Osteopathic Association~~ **MOA**. • ~~Michigan Pharmacy Association~~ **MPA**. • Member institution of the AAVMC. • AVMA constituent allied organizations and recognized veterinary specialty organizations. • Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. • CDC. Initial presentation of a scientific exhibit, poster, paper, or clinical demonstration to a veterinary medicine or veterinary technician program. To receive credit, the presentation must not be part of the licensee's regular job description. If audited, the licensee shall submit a copy of the document presented with evidence of the presentation or a letter from the program sponsor verifying the length and date of the presentation.	Two hours of continuing education ~~is~~ **are** granted for each 50 to 60 minutes of presentation. No additional credit is granted for the preparation of the presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.

(d**)**	Initial publication of an article related to the practice of veterinary profession in a peer-reviewed journal. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Five hours of continuing education ~~is~~ **are** granted for serving as the primary author. Two hours of continuing education ~~is~~ **are** granted for serving as the secondary author. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.
(e**)**	Initial publication of a chapter related to the practice of veterinary profession in a professional or peer-reviewed **textbook** ~~text book~~. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Five hours of continuing education ~~is~~ **are** granted for serving as the primary author. Two hours of continuing education ~~is~~ **are** granted for serving as a secondary author. A maximum of 15 hours of continuing education may be earned for this activity in each renewal period.
(f**)**	Service as a clinical instructor for veterinary students engaged in an educational program that satisfies the requirements of R ~~338.4908~~ **R 338.4904**. To receive credit, the clinical instructorship must not be the licensee's primary employment function. If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee's role.	Two hours of continuing education ~~is~~ **are** granted for each 50 to 60 minutes of scheduled instruction. Additional credit for preparation of a lecture is not to be granted. A maximum of 15 hours may be earned for this activity in each renewal period.
(g**)**	Participation on a state or national committee, board, council, or association related to the veterinary profession. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the practice of veterinary medicine. If audited, the licensee shall submit documentation verifying the licensee's participation in at least 75% of the regularly scheduled meetings of the committee, board, council, or association.	Two hours of continuing education ~~is~~ **are** granted for each committee, board, council, or association. A maximum of 2 hours of continuing education may be earned for this activity in each renewal period.
(h**)**	Provide individual supervision to a disciplinarily limited veterinarian.	One hour of continuing education credit is granted for each 50 to 60 minutes of

	If audited, the licensee shall provide documentation from the department confirming the number of hours and the dates that the licensee spent supervising the disciplinarily limited veterinarian.	supervision provided. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Veterinary Medicine -- General Rules
Rule Set 2019-108 LR

NOTICE OF PUBLIC HEARING
Friday, December 18, 2020
09:00 AM
The public hearing will be held virtually via Zoom.
https://us02web.zoom.us/j/86561276680?pwd=MkMvSXliSTAwRHpxcGNUcGJmeGxyUT09

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Veterinary Medicine -- General Rules rule set.

The proposed rules provide definitions used in the rule set; provide a telehealth rule; identify the approved educational programs and examination; clarify the requirements for licensure, licensure by endorsement, relicensure, and educational and clinical academic limited licensure; add requirements for limited licensure as a senior student and as a graduate of a nonapproved veterinary education program; clarify the licensee's duty pertaining to medical records; and clarify continuing education requirements.

MCL 333.16145, 333.16215, 333.16287, and 333.18813, as well as Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 12/15/2020 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing– Boards and Committees Section, Attention: Policy Analyst
P.O. Box 30670, Lansing, MI 48909-8170
Email: bpl-boardsupport@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 12/18/2020 at 05:00PM. The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

~~CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU~~ **DIRECTOR'S OFFICE**

LANDSCAPE ARCHITECTS – 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 department of licensing and regulatory affairs by sections 205**, 2203,** and **2205** ~~308~~ of **the occupational code,** 1980 PA 299, MCL 339.205**, 339.2203,** and ~~MCL 339.308~~ **339.2205**, and ~~executive~~ **Executive** ~~reorganization~~ **Reorganization** ~~order~~ **Order** Nos. **1991-9,** 1996-2, 2003-1, **2007-17,** ~~2008-4~~, and 2011-4, ~~being~~ MCL **338.3501,** 445.2001, ~~MCL~~ 445.2011, **445.2023,** ~~MCL 445.2025~~, and ~~MCL~~ 445.2030.)

R 339.19041 of the Michigan Administrative Code is amended, R 339.19002, R 339.19004, R 339.19006, R 339.19008, R 339.19010, R 339.19012, R 339.19014, R 339.19016, and R 339.19018 are added, and R 339.19023 and R 339.19025 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.19002 Definitions.

Rule 2. (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.

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

PART 2. ~~REGISTRATION~~ **EDUCATION AND EXAMINATION**

R 339.19004 Adoption by reference; accreditation.

Rule 4. (1) The department adopts by reference the Landscape Architectural Accreditation Board's (LAAB) "Accreditation Standards for First-Professional Programs in Landscape Architecture," March 2016. The LAAB's standards for accreditation are available for inspection and distribution at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 Ottawa St., P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAB's website at https://www.asla.org/uploadedFiles/CMS/Education/Accreditation/LAAB_ACCREDITATION_STANDARDS_March2016.pdf

(2) The department adopts by reference the Landscape Architecture Accreditation Council's (LAAC) "Manual of Accreditation Standards and Procedures for Canadian Programs of

Landscape Architectural Education," March 2017. The LAAC's standards for accreditation are available for inspection and distribution at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 Ottawa St., P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAC's website at https://www.csla-aapc.ca/csla-aapc.

(3) A landscape architect education program accredited by the LAAB or the LAAC is approved by the department.

(4) A credentials evaluation provided by a current member of the National Association of Credential Evaluation Services that verifies that an applicant's education satisfies the requirements of a landscape architect education program accredited by the LAAB or the LAAC adopted by reference in subrules (1) and (2) of this rule is approved by the department.

R 339.19006 Examination adoption; passing score.

Rule 6. (1) The department approves and adopts the Landscape Architect Registration Examination (LARE) prepared and scored by the Council of Landscape Architects Registration Boards (CLARB).

(2) The passing score for the LARE is the score established by the CLARB.

PART 3. LICENSURE

R 339.19008 Licensure by examination.

Rule 8. (1) An applicant for a landscape architect license by examination shall submit a completed application on a form provided by the department together with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all the requirements in subrules (2) to (5) of this rule.

(2) The applicant shall possess a minimum of 7 years of training and experience in the actual implementation and practice of landscape architecture by satisfying 1 of the following:

(a) The applicant earned a baccalaureate degree from a program approved pursuant to R 339.19004 and completed at least 3 years of experience by working a minimum of 4,500 hours over a 3-year period. As used in this rule, "experience" means applying accepted principles of landscape architecture in a non-academic and non-internship setting under the supervision of a landscape architect who is licensed or registered in this state or another state. Experience must be verified by the supervising landscape architect.

(b) The applicant earned a baccalaureate degree and a master's degree from a program approved pursuant to R 339.19004, and completed at least 2 years of experience by working a minimum of 3,000 hours over a 2-year period. Experience must be verified by the supervising landscape architect.

(c) The applicant completed 1 or both of the following for a total of 7 years of training and experience:

(i) The applicant completed 1 year of education from a program approved pursuant to R 339.19004 by passing a minimum of 30 semester hours or 45 quarter hours per year for each year of training credit earned. A maximum of 5 years of credit may be earned.

(ii) The applicant completed 1 year of experience demonstrated by working a minimum of 1,500 hours per year for each year of experience earned. A maximum of 7 years of credit may be earned. Experience hours must be verified by the supervising landscape architect.

(3) The applicant shall provide documentation to demonstrate that he or she has established a CLARB Council Record.

(4) The applicant shall pass all parts of the LARE administered through the CLARB.

(5) The applicant shall provide not less than 5 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 3 references must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

R 339.19010 Licensure for an applicant currently licensed, registered, or otherwise credentialed in another state or country.

Rule 10. (1) An applicant for licensure who is currently licensed, registered, or otherwise credentialed in another state or country shall submit a completed application on a form provided by the department together with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the requirements in subrules (2) to (4) of this rule.

(2) The applicant shall satisfy 1 of the following:

(a) Possess a current valid CLARB certification.

(b) Demonstrate that the requirements for the license, registration, or other credential he or she holds had requirements that are substantially equivalent to R 339.19008, as required by MCL 339.2209.

(3) The applicant shall provide not less than 3 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 1 reference must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

(4) The applicant's license, registration, or other credential in good standing in landscape architecture must be verified by each licensing agency where the applicant holds, or has ever held, a landscape architect license, registration, or other credential. If applicable, verification must include the records of any disciplinary action taken or pending against the applicant.

R 339.19012 Relicensure.

Rule 12. (1) An applicant whose license has lapsed for less than 3 years before the date of application for relicensure may be relicensed under section 411(3) of the code, MCL 339.411, if the applicant satisfies the requirements of the code and both of the following:

(a) The applicant submits the required fee and a completed application on a form provided by the department.

(b) The applicant submits proof to the department of accumulating not less than 24 hours of continuing education credit that meets the requirements of R 339.19014 during the 2 years immediately preceding the date of application for relicensure. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of the application to provide proof of completing the deficient hours.

(2) An applicant whose license has been lapsed for 3 years or more preceding the date of application may be relicensed under section 411(4) of the code, MCL 339.411, if the applicant satisfies the requirements of the code and all of the following:

(a) The applicant submits the required fee and a completed application on a form provided by the department.

(b) The applicant establishes that he or she has met all of the requirements for initial licensure under the code and these rules.

(c) The applicant submits proof to the department of accumulating not less than 24 hours of continuing education credit that meets the requirements of R 339.19014 during the 2 years immediately preceding the date of application for relicensure. If the department determines that

the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of the application to provide proof of completing the deficient hours.

(d) The applicant provides not less than 3 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 1 reference must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

(3) The applicant's license, registration, or other credential in good standing in landscape architecture must be verified by each licensing agency where the applicant holds, or has ever held, a landscape architect license, registration, or other credential. If applicable, verification must include the records of any disciplinary action taken or pending against the applicant.

PART 4. LICENSE RENEWAL, CONTINUING EDUCATION, SANCTIONS FOR FAILURE TO COMPLETE CONTINUING EDUCATION

R 339.19014 License renewal; required continuing education; limitations; retention of documentation; waiver.

Rule 14. (1) This rule applies to an application for renewal of a landscape architect license beginning 2 years after the date of promulgation of this rule.

(2) An applicant for license renewal who has been licensed for the 2-year period preceding the expiration of his or her current license shall have completed 24 hours of continuing education that satisfies the requirements of R 339.19016.

(3) A minimum of 16 of the 24 hours of required continuing education must be earned in a program or activity pertaining to the subject of public health, safety, or welfare (HSW). HSW subjects include, but are not limited to the following:

(a) Building codes.
(b) Code of ethics.
(c) Codes, acts, laws, and regulations governing the practice of landscape architecture.
(d) Construction administration, including construction contracts.
(e) Construction documents.
(f) Design of environmental systems.
(g) Environmental process and analysis.
(h) Erosion control methods.
(i) Grading.
(j) Horticulture.
(k) Irrigation methods.
(l) Land planning and use.
(m) Landscape preservation, landscape restoration and adaptive reuse.
(n) Lateral forces.
(o) Natural hazards-impact of earthquake, hurricane, fire, or flood related to site design.
(p) Pedestrian and vehicular circulation.
(q) Planting design.
(r) Resource conservation and management.
(s) Roadway design principles.

(t) Site accessibility, including Americans with Disabilities Act standards for accessible site design.
(u) Site and soils analysis.
(v) Site design and engineering, including materials, methods, technologies, and applications.
(w) Site security and safety.
(x) Storm water management and surface and subsoil drainage.
(y) Structural systems considerations.
(z) Surveying methods and techniques as they affect landscape architecture.
(aa) Sustainable design, including techniques related to energy efficiency.
(bb) Use of site materials and methods of site construction.
(cc) Vegetative management.
(dd) Wetlands.
(ee) Zoning as it relates to the improvement or protection of the public health, safety, and welfare.

(4) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.

(5) The continuing education credit earned during 1 license cycle may not be carried forward to the next license cycle.

(6) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of application for license renewal.

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

R 339.19016 Approved continuing education; limitations.

Rule 16. (1) The department shall grant credit for continuing education hours as provided in the chart below:

	Activity and Proof Required	Number of Continuing Education Hours Granted for Activity
(a)	**Completion of an approved continuing education program related to landscape architecture, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:** • **Landscape Architecture Continuing Education System.** • **The American Society of Landscape Architects (ASLA).** • **A state chapter of the ASLA.** **If audited, the applicant shall submit documentation or certificate of completion showing the applicant's name, total continuing education credits earned,**	**The number of continuing education hours designated by the approving entity.** **If the program was not approved for a set number of hours, then 1 credit hour for each 50 minutes of participation may be earned.**

	sponsor name and contact information, program title, and the date the program was held or completed.	
(b)	**Passing an academic course related to landscape architecture offered by a college or university that offers a baccalaureate degree or higher degree in landscape architecture and is accredited by the LAAB.** **If audited, the applicant shall submit a copy of the transcript showing the number of credit hours of the academic courses related to landscape architect.**	**Fifteen hours of continuing education may be earned for each semester of credit.** **Ten hours of continuing education hours may be earned for each quarter credit.**
(c)	**Attending a seminar, in-house course, workshop, or professional or technical presentation related to landscape architecture.** **If audited, the applicant shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.**	**One hour of continuing education may be earned for every 50 minutes of participation.**
(d)	**Teaching, instructing, or presenting a subject related to landscape architecture.** **If audited, the applicant shall submit documentation by the college or university confirming the licensee as the teacher, instructor, or presenter of the academic course, the dates of the course or presentation, the number of classroom hours spent teaching, instructing, or presenting, and the course title.**	**One hour of continuing education may be earned for every 50 minutes of teaching, instruction, or presenting.** **A maximum of 12 hours of continuing education may be earned for this activity during each renewal period.**
(e)	**Initial publication of a peer-reviewed paper, article, or book related to landscape architecture.** **If audited, the applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.**	**Six hours of continuing education may be earned for this activity.** **A maximum of 18 hours of continuing education may be earned for this activity during each renewal period.**
(f)	**Participation in professional examination writing.**	**One hour of continuing education may be earned for every 50 minutes of**

	If audited, the applicant shall submit documentation by the testing developer confirming the applicant as an examination writer, the dates the examination writing, and the number of hours spent writing the examination questions.	**examination writing.** **A maximum of 5 hours of continuing education may be earned for this activity during each renewal period.**
(g)	**Providing professional expertise to a non-profit or public board, commission, council, or committee.** **If audited, the applicant shall submit documentation from the board, commission, or committee confirming the applicant's service, the dates of service, and the number of hours of service provided.**	**One hour of continuing education hour may be earned for each 50 minutes of meetings attended.** **A maximum of 10 hours of continuing education hour may be earned for this activity during each renewal period.**
(h)	**Completion of a self-study course presented by correspondence or electronically ending with an examination or other verification process.** **If audited, the applicant shall submit documentation of the examination or other verification process result and a statement of the dates, number of minutes, and materials covered in completing the course.**	**One hour of continuing education may be earned for every 50 minutes of participation.** **A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.**
(i)	**Participating in a company-sponsored or hosted seminar or training that is designed to enhance professional development in the applicant's area of professional practice.** **If audited, the applicant shall submit documentation or a certificate of completion issued by the company presenting the seminar or training showing the applicant's name, company name, subject of seminar or training, and the date on which the seminar or training was held.**	**One hour of continuing education may be earned for every 50 minutes of participation in the seminar or training.** **A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.**

(2) Continuing education hours are not granted for a program or activity that has substantially the same content of a program or activity for which the applicant has already earned continuing education hours during the same renewal period.

R 339.19018 Sanctions for failure to complete required continuing education.

Rule 18. (1) A licensee who fails to comply with the continuing education requirements of R 339.19014 is subject to all of the following:

(a) A fine of $250.00, plus $50.00 for each continuing education hour, or on a pro-rata basis for a fractional hour, the licensee is deficient, payable by a date determined by the department.

(b) Probation for a minimum period of 1 day, not to exceed a period of 1 year, until the licensee has completed the continuing education hours that he or she was deficient during the audit period. The continuing education hours used to satisfy these sanctions do not apply in computing the licensee's compliance with current continuing education requirements for license renewal. Probation automatically terminates upon completion of the required deficient hours and payment of the fine.

(2) Failure to pay the fine or complete the deficient continuing education hours within the time allotted pursuant to subrule (1) of this rule will result in suspension of the license.

(3) Suspension pursuant to subrule (2) of this rule will be automatically lifted upon compliance with the consent order, provided that such compliance occurs before the license expires. If the licensee fails to comply with the consent order before the license expires, the licensee shall apply for relicensure.

(4) Instead of the sanctions provided in subrule (1) of this rule, the department may accept permanent surrender of the license.

R 339.19023 ~~Experience.~~ **Rescinded.**

~~Rule 23. The experience requirements of the act shall be evidenced by either of the following:~~

~~(a) Proof of landscape architect certification by the council of landscape architectural registration boards, since the experience requirements are higher than those of this state.~~

~~(b) A combination of the following totaling 7 years:~~

~~(i) Possession of a baccalaureate degree from a program accredited by the American society of landscape architects. Such degree shall be supported by a program transcript and shall constitute prima facie evidence of 4 years of credit.~~

~~(ii) Possession of a master's degree in landscape architecture from a program accredited by the American society of landscape architects which includes the completion of undergraduate prerequisites. Such degree shall be supported by a transcript and shall constitute prima facie evidence of 5 years of credit.~~

~~(iii) University level courses in the subjects included in a landscape architecture degree program accredited by the American society of landscape architects, even though a degree was not awarded, if a transcript is submitted. Partial credit toward the 7 year experience requirement may be granted by the board for the completion of such courses.~~

~~(iv) Professional experience in the actual practice of landscape architecture which is documented by not less than 5 references from persons having knowledge of the applicant's experience. Not less than 3 of the references shall be from registrants who can indicate a knowledge of the applicant's professional expertise. Not less than 2 years of professional experience is required of all applicants, notwithstanding the possession of an advanced degree. References shall not be from a relative or a current board member.~~

R 339.19025 ~~Examination.~~ **Rescinded.**

~~Rule 25. (1) A written examination, as outlined in part 3 of these rules, shall be required of any applicant who has not successfully completed any of the following:~~

~~(a) The council of landscape architectural registration boards uniform national examination.~~

~~(b) The council of landscape architectural registration boards certification process, which includes either the uniform national examination or the senior examination.~~

~~(c) A state licensing examination deemed by the board and the department to be equivalent to the uniform national examination.~~

~~(2) An applicant who has taken 1 of the examinations listed in subrule (1) of this rule as being equivalent to the requirements of this state may be required to complete an examination developed by the board and the department on Michigan laws and plant materials.~~

~~(3) An applicant may sit for the examination only upon completion of all education and experience requirements.~~

~~PART 3. EXAMINATIONS~~

PART ~~4.~~ 5. ~~STANDARDS OF CONDUCT~~ SEAL REQUIREMENTS

R 339.19041 ~~The seal~~ **Requirements of seal; use of seal**.

Rule 41. (1) **Pursuant to section 2210(1) of the code, MCL 339.2210, each licensee** ~~The seal~~ shall **have a seal that states the name of the licensee, his or her landscape architect license number, and bear the words "licensed landscape architect" and "state of Michigan."**

(2) ~~be used so long as registration is in effect.~~ The design of the seal to be used by ~~registrants~~ **each licensee** is as follows:

~~Figure for 339.19041~~

~~(2)~~ **(3)** The **licensee** ~~seal~~ shall ~~be obtained when a person~~ **obtain the seal when he or she** is ~~registered~~ **licensed,** ~~-~~ and ~~an imprint shall~~ ~~be submitted~~ **shall submit an imprint of the seal** to the department within 30 days of ~~the notice of registration~~ **licensure**. **If a new seal is obtained at a later time, the**

licensee shall submit an ~~Any new seal obtained shall have an~~ imprint **of the new seal to** ~~filed with~~ the department within 30 days ~~of the change~~.

~~(3)~~ **(4)** The seal ~~shall~~ **must** be used only on work ~~which~~ **that has been** ~~is~~ prepared **by or** under the personal supervision of the ~~registrant~~ **licensee**. ~~Unauthorized use of the seal by any person other than the registrant is prohibited.~~

~~(4)~~ **(5) Pursuant to section 2210(2) of the code, MCL 339.2210, any plan, specification, or report** ~~All documents submitted to~~ **prepared by the licensee, or under his or her supervision, and filed with** a public authority ~~shall~~ **must** be **stamped with the licensee's seal.** ~~sealed by the registrant, although all documents should be sealed, regardless of their destination.~~

~~(5) The use of the seal shall be validated by the signature of the registrant across the seal or adjacent to it.~~

~~(6) Where such requirement does not interfere with the efficient processing of renewals, each renewal registration shall bear the imprint of the registrant's seal.~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Landscape Architects -- General Rules
Rule Set 2020-6 LR

NOTICE OF PUBLIC HEARING
Friday, December 18, 2020
09:00 AM
The public hearing will be held virtually via Zoom.
https://us02web.zoom.us/j/86561276680?pwd=MkMvSXliSTAwRHpxcGNUcGJmeGxyUT09

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Landscape Architects -- General Rules rule set.

The proposed rules provide definitions for terms used in the rule set identify the approved educational programs and examination required for licensure; establish the requirements for initial licensure, licensure by endorsement, and relicensure; establish the continuing education requirements for license renewal; identify approved continuing education providers and activities; establish sanctions for failure to comply with continuing education requirements; and update the requirements for a licensee's seal.

MCL 339.205, 339.2203, and 339.2205, as well as Executive Reorganization Order Nos. 1991-9, 19962,2003-1,2007-17, and 2011-4, MCL 338.3501, 445.2001,445.2011,445.2023, and 445.2030. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 12/15/2020 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing– Boards and Committees Section, Attention: Policy Analyst
P.O. Box 30670, Lansing, MI 48909-8170
Email: bpl-boardsupport@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 12/18/2020 at 05:00PM. The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

AUDIOLOGY - 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, and 16811 of **the public health code,** 1978 PA 368, MCL 333.16145, 333.16148, ~~333.16801,~~ and 333.16811, 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 338.1, R 338.1a, R 338.2, R 338.3, R 338.4, R 338.5, R 338.6, R 338.7, R 338.8, R 338.9, R 338.10, R 338.11, and R 338.12 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.1 Definitions.

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

(a) "Board" means the Michigan board of audiology created under section 16805 of the code, MCL 333.16805.

(b) "Code" means **the public health code,** 1978 PA 368, MCL 333.1101 to ~~333.25211,~~ **333.25211.** ~~also known as the public health code.~~

(c) "Department" means the department of licensing and regulatory affairs.

~~(d) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction is substantially equivalent to the criteria established and described in section 16186 of the code, MCL 333.16186.~~

(2) ~~Except as otherwise defined in these rules, the terms~~ **A term** defined in the code ~~have~~ **has** the same meaning when used in these rules.

R 338.1a Training standards for identifying victims of human trafficking; requirements.

Rule 1a. (1) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that ~~meets~~ **satisfies** the following standards:

(a) Training content ~~shall~~ **must** cover all ~~of~~ the following:

(i) Understanding the types and venues of human trafficking in Michigan or 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 by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that ~~meets~~ **satisfies** the requirements of subrule (1)(a) of this rule 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 ~~shall~~ **must** include the individual's name and either of the following:

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

(ii) For training completed ~~pursuant to~~ **under** 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~~ **Under** section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licenses issued after April 22, 2021.

R 338.2 Application for audiologist license; requirements.

Rule 2. (1) An applicant for an audiologist license, in addition to ~~meeting~~ **satisfying** the requirements of the code and the administrative rules promulgated under the code, shall ~~comply with~~ **satisfy** all of the following requirements:

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

(b) Possess a master's or doctoral degree in audiology from an accredited educational program ~~that is acceptable to the board~~ under R 338.8.

(c) Successfully completed a minimum of 9 months of supervised clinical experience in audiology as ~~demonstrated~~ **shown** by 1 of the ~~following:~~ **following requirements:**

(i) For an applicant who possesses a doctor of audiology (Au.D.) degree, submission of an official transcript that indicates the awarding of a doctor of audiology (Au.D.) degree from an accredited educational institution ~~that is acceptable to the board~~ under R 338.8.

(ii) For an applicant who ~~possesses~~ **has** either a doctoral or master's degree in audiology, submission of a certification of clinical experience form that indicates that the applicant completed the required supervised clinical experience.

(d) Successfully completed an examination in audiology under R 338.7.

(2) If an applicant for an audiologist license submits either ~~certification of clinical competence in audiology~~ **a Certificate of Clinical Competence in Audiology** (CCC-A) from the American ~~speech-language-hearing association~~ **Speech-Language-Hearing Association** (ASHA) or ~~board certification in audiology by~~ **an American Board of Audiology Certified credential from** the American ~~board of audiology~~ **Board of Audiology** (ABA) that has been held up to September 1, 1995, then it is presumed that the applicant ~~meets~~ **satisfies** the requirements of ~~subdivisions~~ **subrule (1)**(b), (c), and (d) ~~of subrule (1)~~ of this rule.

R 338.3 Licensure by endorsement; audiologist.

Rule 3. (1) An applicant for an audiologist license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to ~~meeting~~ **satisfying** the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.

(2) If an applicant was registered or licensed as an audiologist in another state with substantially equivalent requirements and holds a current and unencumbered registration or license as ~~a~~ an audiologist in that state, then it is presumed that the applicant ~~meets~~ **satisfies** the requirements of section 16811(1)(a) or (b), and (2) or (3) of the code, MCL 333.16811~~(1)(a) or (b), and (2) or (3)~~.

(3) If an applicant does not ~~meet~~ **satisfy** the requirements of subrule (2) of this rule, then the applicant shall ~~meet~~ **satisfy** all ~~of~~ the ~~following,~~ **following requirements,** in addition to ~~meeting~~ **satisfying** the requirements of the code:

(a) Possess a master's or doctoral degree in audiology from an accredited educational program ~~that is acceptable to the board~~ under R 338.8.

(b) Have successfully completed a minimum of 9 months of supervised clinical experience in audiology.

(c) Have successfully completed an examination in audiology under R 338.7.

(d) Verify that the registration or license from the other jurisdiction ~~located~~ **found** in another state or territory of the United States, whether current or expired, is in good standing.

(e) In place of subdivisions (a), (b) and (c) of this subrule, submit ~~certification of clinical competence in audiology~~ **a Certificate of Clinical Competence in Audiology** (CCC-A) from ~~the American speech-language-hearing association (ASHA)~~ **ASHA** or ~~board certification in audiology by~~ **an American Board of Audiology Certified credential from** the ~~American board of audiology (ABA).~~ **ABA.**

R 338.4 Supervised clinical experience; limited license requirements.

Rules 4. (1) An applicant for an audiology license who has earned a master's or doctoral degree in audiology but who still must complete the required 9 months of supervised clinical experience in audiology ~~shall~~ **must** submit a completed application for a limited license on a form provided by the department, together with the requisite fee. In addition to ~~meeting~~ **satisfying** other requirements of the code and administrative rules, an applicant for a limited license shall establish both of the ~~following:~~ **following requirements:**

(a) That the applicant is a graduate of an accredited educational program in audiology, as described in R 338.8.

(b) That the applicant has been accepted for training in a clinical situation under the supervision of an individual who is licensed in audiology in this state or who holds a current ~~certification of clinical competence~~ **Certificate of Clinical Competence in Audiology (CCC-A)** from ~~the American speech-language-hearing association (asha)~~ **ASHA** or ~~board certification in audiology by~~ **an American Board of Audiology Certified credential from** the ~~American board of audiology (aba).~~ **ABA.**

(2) The applicant shall complete 9 months of clinical supervised experience (1,080 clock hours) or the equivalent of 9 months of experience after having graduated from an accredited master's degree program in audiology, as described in R 338.8. Both of the following **requirements** ~~shall~~ apply:

(a) The experience ~~shall be~~ **is** subject to R 338.5.

(b) Only experience obtained in an approved supervised clinical situation by an individual who holds a limited license ~~shall count~~ **counts** toward the experience requirement.

(3) If an applicant transfers to a different supervised clinical situation, then he or she shall notify the department by submitting information about the new supervised clinical situation on a form provided by the department.

R 338.5 Clinical experience requirements.

Rule 5. (1) The 9 months of supervised clinical experience required for licensure in R 338.2 (1)(c), R 338.3 (3)(b), and R 338.4(2) ~~shall comply with~~ **must satisfy** the following requirements:

(a) The experience ~~shall~~ **must** be obtained under the supervision of a licensed audiologist.

(b) ~~The~~ **Except as otherwise provided in subrule (2) of this rule,** experience ~~shall~~ **must** be full time, which means at least 30 hours per week, and be obtained within 24 consecutive months.

(2) The supervised clinical experience required under subrule (1) of this rule may be fulfilled on a part-time basis and ~~shall comply with~~ **must satisfy** the following requirements:

(a) The experience ~~shall~~ **must** be obtained under the supervision of a licensed audiologist.

(b) The experience ~~shall~~ **must** be part time, which means at least 15 hours per week, and be obtained within 36 consecutive months.

R 338.6 Foreign trained applicants; licensure requirements.

Rule 6. An applicant for an audiologist license who graduated from a postsecondary institution that is located outside of the United States shall establish all of the ~~following:~~ **following requirements:**

(a) That the applicant has completed an educational degree program in audiology that is substantially equivalent to the educational requirements in R 338.2(1)(b) for licensure or R 338.3(3)(a) for licensure by endorsement. The department ~~shall accept~~ **accepts** as proof of an applicant's completion of the educational requirements a credential evaluation completed by a credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES).

(b) That the applicant ~~is authorized to~~ **may** practice as an audiologist without limitation in a country currently recognized by the United States. An applicant shall have his or her license, certification, or registration verified by the licensing agency of any country in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as an audiologist. If applicable, verification ~~shall~~ **must** include the record of any disciplinary action taken or pending against the applicant.

~~(c) That the applicant whose audiology educational program was taught in a language other than English demonstrates a working knowledge of the English language. To demonstrate a working knowledge of the English language, an applicant shall establish that he or she has obtained a total score~~

~~of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-IBT) administered by the educational testing service and obtained the following section scores:~~

~~(i) Not less than 18 on the reading section.~~

~~(ii) Not less than 18 on the listening section.~~

~~(iii) Not less than 22 on the speaking section.~~

~~(iv) Not less than 20 on the writing section.~~

~~(d)~~ **(c)** That the applicant has completed, in the United States, 9 months of supervised clinical experience under a licensed audiologist, and the supervised clinical experience ~~meets~~ **satisfies** R 338.5.

R 338.7 Examination; adoption; passing scores.

Rule 7. ~~The board approves and adopts the national teacher's examination in audiology~~ **Examinations approved and adopted are the National Teachers Examination (NTE) in Audiology** ~~or~~ **and** the ~~praxis series II audiology test~~ **Praxis Series II Examination in Audiology** that ~~is~~ **are** administered by the ~~educational testing service~~ **Educational Testing Service (ETS)** or its successor organization. Applicants ~~shall be~~ **are** required to achieve a passing score on the ~~national teacher's examination in audiology~~ **National Teachers Examination (NTE) in Audiology** or the ~~praxis series II test examination in audiology~~ **Praxis Series II Examination in Audiology** or any successor examination.

R 338.8 Educational standards; adoption by reference.

Rule 8. (1) ~~The board adopts by reference in these rules the standards of either of the following organizations:~~ **Educational standards approved and adopted by reference in these rules include the following:**

(a) The ~~council on academic accreditation in audiology and speech-language pathology (caa)~~ **Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA)** for the accreditation of audiology education programs as in the publication entitled "Standards for Accreditation of Graduate Education Programs in Audiology and Speech-Language Pathology," August 2017, which is available from the American Speech-Language-Hearing Association, 2200 Research Boulevard, #310, Rockville, ~~MD~~ **Maryland** 20850 at no cost from the association's website at https://caa.asha.org/wp-content/uploads/Accreditation-Standards-for-Graduate-Programs.pdf. A copy of the standards also is available for inspection and distribution at **a** cost **of 10 cents per page** from the Board of Audiology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, ~~MI~~ **Michigan** 48909. ~~Completion~~ **Evidence** of **completion of** an accredited audiology ~~education~~ **educational** program ~~at the level required by the code shall be evidence~~ **is proof** of completion of **an acceptable program.** ~~a program acceptable to the department and approved by the board.~~

(b) The ~~accreditation commission for audiology education~~ **Accreditation Commission for Audiology Education** (ACAE) for the accreditation of doctor of audiology programs as in the publication entitled "Accreditation Standards for the Doctor of Audiology (Au.D.) Program", adopted March 2016, which is available at no cost from the Accreditation Commission for Audiology Education, 11480 Commerce Park Dr., Ste. 220, Reston, ~~VA~~ **Virginia** 20191 or at no cost from the commission's website at http://acaeaccred.org/standards/. Copies of the standards are available for inspection and distribution at **a** cost **of 10 cents per page** from the Board of Audiology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, ~~MI~~ **Michigan** 48909. **Evidence of completion of an accredited audiology educational program is proof of completion of an acceptable program.**

(2) 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~~ **satisfies** either the recognition standards and criteria of the ~~council for higher education accreditation~~ **Council for Higher Education Accreditation (CHEA)** or the recognition procedures and criteria of the United States ~~department~~ **Department** of **Education**~~education~~. The **department in consultation with the** board adopts by reference the recognition standards and criteria of ~~the council for higher education accreditation (CHEA),~~ **CHEA,** effective ~~June 28, 2010,~~ **September 24, 2018,** and the procedures and criteria for recognizing accrediting agencies of the United States ~~department~~ **Department** of ~~education~~ **Education**, effective July 1, 2010, as contained in ~~Title 34, Part 602 of the Code of Federal Regulations,~~ **34** CFR ~~34~~ 602.10 to 602.38. Copies of the standards and criteria of ~~the council for higher education accreditation (CHEA)~~ **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 Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West ~~Ottawa,~~ **Ottawa** Street, P.O. Box 30670, Lansing, ~~MI~~ **Michigan** 48909. The CHEA recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at http://www.chea.org at no cost. The federal recognition criteria may be obtained from the U.S. Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, DC 20006 or from the department's website at http://www.ed.gov/about/offices/list/OPE/index.html at no cost.

R 338.9 Relicensure.

Rule 9. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201~~(3)~~, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes 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.

(c) Submits proof to the department of accumulating not less than 20 hours of continuing education credit that ~~meets~~ **satisfies** the requirements of R 338.10 and R 338.11 during the 2 years immediately preceding the application for relicensure.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201~~(4)~~, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes 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.

(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174~~(3)~~.

(d) Complies with either of the following requirements:

(i) Pass an examination required under R 338.7.

(ii) Presents ~~evidence~~ **proof** to the department that he or she was registered or licensed as an audiologist in another state during the 2-year period ~~immediately preceding~~ **prior to** the application for relicensure.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as an audiologist. If applicable, verification ~~shall~~ **must** include the record of any disciplinary action taken or pending against the applicant.

R 338.10 License renewal; requirements; applicability.

Rule 10. (1) This rule applies to applications for renewal of an audiology license under sections 16201 and 16811 of the code, MCL 333.16201 and 333.16811.

(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 20 hours of continuing education in activities approved ~~by the board~~ under these rules during the 2 years ~~immediately~~ preceding the ~~application for renewal.~~ **end of the license cycle.**

(3) Submission of an application for renewal ~~shall constitute~~ **constitutes** the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of ~~meeting~~ **satisfying** the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to ~~comply with~~ **satisfy** this rule is a violation of section 16221(h) of the code, MCL 333.16221~~(h)~~.

R 338.11 Acceptable continuing education; requirements; limitations.

Rule 11. (1) The 20 hours of continuing education required ~~pursuant to~~ **under** R 338.10(2) for the renewal of an audiology license ~~shall comply with~~ **must satisfy** the ~~following:~~ **following requirements:**

(a) For the purpose of this rule, "instruction" means education time, exclusive of coffee breaks; breakfast, luncheon, or dinner periods; or, any other breaks in the program.

(b) Not more than 10 hours of continuing education ~~shall~~ **may** be earned during a 24-hour period.

(c) A licensee ~~shall not~~ **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 license cycle.

(d) ~~Pursuant to~~ **Under** section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education ~~shall~~ **must** be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, behavior modification, stress management, and clinical applications, as they relate to professional practice under sections 16801 to 16811 of the code, MCL 333.16801 to ~~MCL~~ 333.16811. ~~The requirement specified in this subrule applies to license renewals beginning with the first renewal cycle after the promulgation of this amended rule.~~

(2) The **following are** ~~board shall consider the following as~~ acceptable continuing ~~education:~~ **education activities:**

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

Activity Code	Activity and Proof Required	Number of continuing education hours granted/~~permitted~~ **allowed** per activity
(a**)**	Initial presentation of a continuing education program related to the practice of audiology provided to a state, regional, national, or international audiology organization. To receive credit, the presentation ~~shall~~ **must** not be a part of the licensee's regular job description and ~~shall comply with~~ **must satisfy** the standards	Three hours of continuing education ~~shall be~~ **are** granted for each 50 to 60 minutes of presentation. No ~~additional~~ **other** credit ~~shall be~~ **is** granted for preparation of a presentation. A maximum of 9 hours of

	in R 338.12. If audited, the licensee shall submit 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.	continuing education **are** ~~may be earned~~ **allowed** for this activity in each renewal period. ~~Pursuant to~~ **Under** ~~R 338.11~~ **subrule** (1)(c) **of this rule**, credit for a presentation **is** ~~shall be~~ granted once per renewal period.
(b**)**	Initial presentation of a scientific exhibit, paper, or clinical demonstration to an audiology organization. To receive credit, the presentation ~~shall~~ **must** not be part of the licensee's regular job description or performed in the normal course of the licensee's employment. If audited, the licensee shall submit a copy of the document presented with ~~evidence~~ **proof** of presentation or a letter from the program sponsor verifying the length and date of the presentation.	Two hours of continuing education ~~shall be~~ **are** granted for each 50 to 60 minutes of presentation. No ~~additional~~ **other** credit ~~shall be~~ **is** granted for preparation of a presentation. A maximum of 6 hours of continuing education **are** ~~may be earned~~ **allowed** for this activity in each renewal period. ~~Pursuant to~~ **Under** ~~R 338.11~~ **subrule** (1)(c) **of this rule**, credit for a presentation **is** ~~shall be~~ granted once per renewal period.
(c**)**	Passing a postgraduate academic course related to the practice of audiology offered in an educational program approved ~~by the board~~ under R 338.8. If audited, the licensee shall submit an official transcript documenting successful completion of the course.	Five hours of continuing education **are**~~shall be~~ granted for each academic credit hour passed. Three hours of continuing education ~~shall be~~ **are** granted for each academic term or quarter credit hour passed. A maximum of 20 hours of continuing education **are** ~~may be earned~~ **allowed** for this activity in each renewal period.
(d**)**	Attendance at a continuing education program ~~that has been granted approval~~ **approved** ~~by the board~~ under R 338.12. If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the	One continuing education clock hour **is**~~shall be earned~~ **granted** for each 50 to 60 minutes of program attendance. A maximum of 20 hours of

	licensee's name, number of continuing education hours 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.	continuing education **are** ~~may be earned~~ **allowed** for this activity in each renewal period.
(e**)**	Attendance at a continuing education program ~~that has been granted approval~~ **approved** by another state board of audiology. If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours 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.	One continuing education clock hour ~~shall be earned~~ **is granted** for each 50 to 60 minutes of program attendance. A maximum of 20 hours of continuing education **are** ~~may be earned~~ **allowed** for this activity in each renewal period.
(f**)**	Initial publication of an article related to the practice of audiology in a non-peer reviewed journal or newsletter. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	One hour of continuing education ~~shall be~~ **is** granted for each article. ~~A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.~~ **A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.** ~~Pursuant to~~ **Under** ~~R 338.11~~ **subrule** (1)(c) **of this rule**, credit for publication ~~shall be~~ **is** granted once per renewal period.
(g**)**	Initial publication of a chapter related to the practice of audiology in either of the following: A professional or health care textbook. A peer-reviewed journal. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a	Five hours of continuing education ~~shall be~~ **are** granted for serving as the primary author. Two hours of continuing education ~~shall be~~ **are** granted for serving as the secondary author. ~~Pursuant to~~ **Under** ~~R 338.11~~

	publication acceptance letter.	**subrule** (1)(c) **of this rule**, credit for publication ~~shall be~~ **is** granted once per renewal period.
(h**)**	Reading an audiology professional journal and successfully completing an evaluation created for continuing education credit in audiology practice education. If audited, the licensee shall submit a copy of the publication and the evaluation created for continuing education credit in audiology practice education.	One hour of continuing education ~~shall be~~ **is** granted for each 50 to 60 minutes of this activity. A maximum of 5 hours of continuing education **are**~~may be earned~~ **allowed** for this activity in each renewal period.
(i**)**	Attendance at a program approved ~~by the board of medicine~~ **for continuing education by the board of medicine** or the board of osteopathic medicine related to audiology practice. If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours 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.	One continuing education clock hour ~~shall be earned~~ **is granted** for each 50 to 60 minutes of program attendance. A maximum of 5 hours of continuing education **are** ~~may be earned~~ **allowed** for this activity in each renewal period.
(j**)**	Participating on a state or national committee, board, council, or association related to the field of audiology. A committee, board, council, or association ~~is considered acceptable by the board if it enhances~~ **must enhance** the participant's knowledge and understanding of the field of audiology. If audited, the licensee shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.	Two hours of continuing education ~~shall be~~ **are** granted for each committee, board, council, or association. A maximum of 2 hours of continuing education **are** ~~may be earned~~ **allowed** for this activity in each renewal period.

R 338.12 Continuing audiology education programs; methods of approval.

Rule 12. (1) **Approved and adopted by reference are** ~~The board approves and adopts by reference in these rules~~ the standards of the American ~~speech-language-hearing association continuing education board~~ **Speech-Language-Hearing Association Continuing Education Board** (ASHA-CEB) for approved continuing education providers in the document entitled "American Speech-Language-Hearing Association Continuing Education Board Manual**,"** ~~August 2015,~~ **February 2019,** which is available at no cost from ~~the American Speech-Language-Hearing Association,~~ **ASHA,** 2200 Research Boulevard, Rockville, ~~MD~~ **Maryland** 20850-3289 or from the association's website at https://www.asha.org/ce/for-providers/. A copy of the guidelines also is available for inspection and distribution at **a** cost **of 10 cents per page** from the Michigan Board of Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, ~~MI~~ **Michigan** 48909.

(2) **Approved and adopted by reference are** ~~The board approves and adopts by reference in these rules~~ the standards of the American ~~academy of audiology~~ **Academy of Audiology** for approved continuing education programs in the document entitled ~~"Continuing Education Algorithm",~~ **"CE Provider Course Application Requirements and Guidelines,"** ~~September 2015,~~ **November 2018,** which is available at no cost from the American Academy of Audiology, 11480 Commerce Park Drive, Suite 220, Reston, ~~VA~~ **Virginia** 20191 or from the academy's website at https://audiology.org/professional-development/continuing-education/ce-provider-information/course-approval-requirements. A copy of the guidelines also is available for inspection and distribution at cost from the Michigan Board of Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, ~~MI~~ **Michigan** 48909.

~~(3) A course or program may be reviewed and approved by the board or any organization that has been authorized by the board to approve such courses or programs.~~

~~(4)~~ **(3) The board may review a course or program.** Courses or programs that need to be reviewed and preapproved ~~by the board or its designee shall~~ **must** submit the ~~following:~~ **following requirements:**

(a) Course content related to current issues in audiology practice.

(b) An outline of the course or program provided with time allotted for each section of the program.

(c) Documentation of qualifications of presenters.

(d) **Description of the** ~~The~~ method for delivering the course or program**.** ~~is described.~~

(e) **Inclusion of defined** ~~Defined~~ measurements of pre-knowledge and post-knowledge or skill improvement**.** ~~are included.~~

(f) **Monitoring of participant** ~~Participant~~ attendance at **the** program or course**.** ~~is monitored.~~

(g) Records of a course or program are maintained and include the number of participants in attendance, the date of the program, the program's location, the credentials of the presenters, rosters of the individuals who attended, and the continuing education time awarded to each participant.

(h) A participant ~~shall~~ **must** receive a certificate or written ~~evidence~~ **proof** of attendance at a program that indicates a participant's name, the date of the program, the location of program, the sponsor or program approval number, and the hours of continuing education awarded.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Audiology- General Rules
Rule Set 2020-35 LR

NOTICE OF PUBLIC HEARING
Friday, December 18, 2020
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).
Web Link:
https://us02web.zoom.us/j/86561276680?pwd=MkMvSXliSTAwRHpxcGNUcGJmeGxyUT09
Password for video connection: 853324 Phone number: 877-336-1831 Conference Code for audio connection: 486917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Audiology- General Rules rule set.

The proposed rules will clarify terms used in the rule set remove the English language requirement; update accreditation standards for audiology educational programs; clarify that a licensee must complete not less than twenty hours of continuing education during the two years preceding the end of the license cycle; and supply updated accreditation standards for audiology continuing education programs.

MCL 333.16145, 333.16148, and 333.16811, as well as Executive Reorganization Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 12/15/2020 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Policy Analyst
Department of Licensing and Regulatory Affairs Bureau of Professional Licensing Boards and
Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Policy Analyst
Email: BPL-BoardSupport@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 12/18/2020 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~AGRICULTURE~~ **TREASURY**
MICHIGAN GAMING CONTROL BOARD (MGCB)
OFFICE OF THE ~~RACING COMMISSIONER~~ **EXECUTIVE DIRECTOR**
HORSE RACING 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, ~~MCL~~ 24.244, or ~~MCL~~ 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 ~~racing commissioner~~**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,** ~~Act No. 327 of the Public Acts of 1980, as amended, being S~~ **1995 PA 279, MCL** 431.**301**~~61 to~~ **to 431.336** ~~et seq. of the Michigan Compiled Laws~~.

(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.**

(~~b~~**c**) "Appeal" means a written application to the ~~commissioner~~ **executive director** for review of any decision, order, or ruling of the stewards or for review of any administrative action by the ~~commissioner~~ **executive director.**

(~~c~~**d**) "Arrears" means all sums that are due from a licensee, as reflected by the records of the ~~commissioner~~ **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.

(~~d~~**f**) "Association" means a legal entity that is licensed by the ~~commissioner~~ **executive director** to conduct a race meeting.

(~~e~~**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**~~licensee who is licensed by the commissioner to act on behalf of another licensee and whose authority to act for and on behalf of another licensee is evidenced by an application filed with the commissioner~~.

(~~f~~**h**) "Bleeder" means a horse that is determined, by a gross or endoscopic examination that is conducted by a **licensed** veterinarian **or official veterinarian,** ~~who is employed or licensed by the commissioner or another racing jurisdiction,~~ to have hemorrhaged from within the respiratory tract during a race or workout~~on the grounds of a recognized meeting~~.

(i) "Claiming race" means a race in which a horse may be claimed pursuant to the rules promulgated under the act.

(~~g~~**j**) "Closing" means a designated time when all entries in a race shall be and remain in the race, unless excused by the stewards.

(~~h~~**k**) "Coggins test" means a blood test to determine the presence of equine infectious anemia in a horse.

~~(i) "Commissioner" means the racing commissioner~~.

(~~j~~**l**) "Complaint" means a written **or verbal** statement submitted to the stewards or ~~racing commissioner~~ **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 ~~commissioner~~ **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 ~~of forfeiture~~.

(vi) Reprimand.

(vii) Any combination of paragraphs (i) to (vi) of this subdivision.

(c) "Disqualification" means an order of the stewards or ~~commissioner~~ **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 ~~commissioner~~ **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**~~f~~) "Expulsion" means the ~~unconditional~~ exclusion from any participation, either directly or indirectly, in the privileges and uses of the grounds ~~of an association, or any part thereof~~.

~~(g) "Foreign substance" means a substance, or its metabolites, which does not exist naturally in an untreated horse or, if natural to an untreated horse, exists at an unnaturally high physiological concentration as a result of having been administered to the horse.~~

(**j**~~h~~) "Forfeit" means **any of the following:**

(i) ~~m~~**M**oney due from a licensee because of his or her error, fault, neglect of duty, or breach of contract**.**~~;~~

(ii) ~~t~~**The** loss or return of purse money resulting from a ruling of the stewards or ~~commissioner~~**executive director.**~~; or~~

(iii) ~~a~~**A** fine assessed a licensee by the stewards or ~~commissioner~~**executive director**.

(**k**~~i~~) "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 ~~M~~**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**~~e~~) "Jockey" means a person licensed by the ~~commissioner~~ **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**~~f~~) "Lessee" means a legal entity who is licensed by the ~~commissioner~~ **executive director** as a horse owner and whose interest in a horse is a leasehold.

(**i**~~g~~) "Licensee" means a legal entity holding a currently valid license to participate in or conduct horse racing in this state.

~~(h) "Meeting" means the entire period of consecutive days which is granted by the commissioner to an association for the conduct of racing.~~

~~(i) "Mixed meet" means a race meet licensed to conduct pari-mutuel racing of more than 1 breed of horse.~~

(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.

(~~j~~**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 a**n owner, trainer, jockey, driver, or authorized agent** ~~participant~~ 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**~~b~~) "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 ~~and shall not exceed more than four individuals per single horse~~.

(**e**~~c~~) "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**~~d~~) "Post" means a station on the ~~racing~~ **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**~~e~~) "Post position" means a position assigned to a horse for the start of a race.

(**h**~~f~~) "Post time" means the time **set**~~in a race set~~ for the arrival of the horses **in a race** at the starting post.

(**i**~~g~~) "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**~~h~~) "Protest" means a written statement filed before a race objecting to the eligibility of a horse or person to participate in the race.

(**k**~~i~~) "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.

(~~b~~**c**) "Racing official" means all personnel, other than licensed participants, having a direct connection with the running of a race.

~~(c) "Race on the flat" means a race run over a course on which no jumps or other obstacles are placed.~~

(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 ~~commissioner~~ **executive director**.

(e) "Restricted area" means designated locations on the grounds ~~of an association~~ 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 ~~of licensed associations, or any part thereof,~~ by written order of the ~~commissioner~~ **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 ~~at the time~~**when** the **official** starter dispatches the field or, ~~when~~**if** a starting gate is not used or ~~where~~ 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 ~~deemed~~ **considered** temporarily ineligible for participation in racing.

R 431.1025 Definitions; T, W.

Rule 1025. As used in these rules:

~~(a) "Time of a race meeting" means the whole consecutive period of days for which a license is granted by the commissioner.~~

(~~b~~**a**) "Trainer" means a person licensed by the ~~commissioner~~ **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.

(~~c~~**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 ~~commissioner~~ **executive director** because of the disqualification of an actual first-place finisher.

(~~d~~**c**) "Wire" means a surveyed point crossing and at right angles to the ~~track~~ **race course** at which all races conclude.

(~~e~~**d**) "Workout" means the training of a horse on a race~~track~~ **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 ~~commissioner~~ **executive director** may delegate the responsibility of approving or denying occupational licensing to his or her **authorized** representatives.

R 431.1035 ~~Conditions precedent to o~~**Occupational** licensing.

Rule 1035. (1) Pari-mutuel horse racing and participation therein in ~~the~~**this** state ~~of Michigan~~ are privileges, not rights, granted only by the ~~commissioner~~ **executive director** by license subject to the conditions ~~precedent~~ set forth in subrule (~~2~~**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.

(~~2~~**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 ~~precedent~~:

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

(b) That ~~the applicant~~ **he or she** ~~will~~**shall** abide by all **orders of racing officials,** rulings and decisions of the stewards, unless reversed or modified by the ~~commissioner~~ **executive director** upon proper

appeal, and all rules, regulations, and orders of the ~~commissioner~~ **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 ~~will~~**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 ~~the applicant~~ **he or she** ~~will~~**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 ~~commissioner~~ **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.

~~(3) Failure to comply with the conditions precedent to licensing set forth in subrule (2) of this rule may result in immediate suspension or revocation of the license.~~

(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~~; exception~~.

Rule 1045. Each type of racing permitted by the act requires a separate and distinct occupational license for participation~~, except at mixed race meets~~.

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 or live racing funds.

R 431.1050 ~~Race meeting licensing standards~~**Rescinded**.

~~Rule 1050. (1) An association desiring to conduct a pari-mutuel race meeting shall file a written application for a race meeting license with the commissioner as prescribed by the act.~~

~~(2) The application shall specify all of the following information:~~

~~(a) The location of the proposed race meeting.~~

~~(b) The dates on which the association desires to conduct racing.~~

~~(c) Any other information the commissioner requires related to their racing interest.~~

~~(3) If the association applying for a race meeting license is not the owner or lessee of a track licensed by the commissioner, the association shall offer evidence satisfactory to the commissioner that it will have use of a licensed facility for the dates proposed.~~

~~(4) In granting or refusing a race meeting license, the commissioner shall consider the character and reputation of the persons identified with the undertaking and the financial stability of the association.~~

~~(5) In granting a race meeting license, the commissioner will require compliance with all of the following provisions:~~

~~(a) That dates applied for are fully intended to be used for the conducting of pari-mutuel wagering.~~

~~(b) That the applicant will meet, observe, and enforce the requirements of the license, the act, and other applicable laws of the state of Michigan.~~

~~(c) Opportunity for the sport to properly develop.~~

~~(d) Availability of horses.~~

~~(e) Avoidance of harmful competition among tracks in the state.~~

~~(f) Community support for promotion and continuance of the tracks.~~

~~(6) An association shall be notified of the granting or denying of a race meeting license and the requirements of the license, pursuant to the act, in the manner and form determined by the commissioner. A denial shall be for cause.~~

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 ~~Occupational licensing standards; individuals~~**Rescinded**.

~~Rule 1055. (1) The commissioner may issue an occupational license to any person participating in the racing of horses if the commissioner finds that the financial responsibility, age, experience, reputation, competence, general fitness, and record of law abidance of the applicant are consistent with the best interests of racing and the state of Michigan.~~

~~(2) The commissioner may consider the following in granting, refusing, suspending, or revoking, an occupational license or taking disciplinary action against an occupational licensee:~~

(a) The applicant's financial history, including court-imposed financial judgments, failure to honor financial obligations, or the issuance of bank instruments without having sufficient funds on deposit.

(b) The applicant's current financial status, including outstanding indebtedness to service and supply vendors in the racing industry.

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

(d) The applicant's competence to hold the occupational license sought measured by standardized written and practical testing and peer review, as required by the commissioner.

(e) The applicant's general fitness in terms of physical health, including mental stability, use of drugs, and record of racing violations.

(f) The applicant's record of criminal convictions, including offenses related to the integrity and safety of racing and its participants.

(3) Applicants who have been denied a license or had a license suspended or revoked by another racing jurisdiction may be required by the commissioner to seek reinstatement in the jurisdiction where the license was denied, revoked, or suspended.

(4) The commissioner, at any time, may require the removal for cause of any employee or official employed by a licensee.

(5) Any omission or misrepresentation in the license application shall be sufficient cause for the denial, suspension, or revocation of a license by the commissioner.

(6) Trainers and vendors operating within restricted areas of licensed racetracks shall ensure that they and their employees are licensed. Additionally, a trainer shall ensure that each owner for whom he or she trains applies for licensing. A horse in a trainer's care shall not start in a race unless at least a temporary application for the owner's license is on file with the commissioner.

(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 a licensed owner may, without working papers, be granted an owner's license by the commissioner if the parent who is a licensed 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 racetracks shall be endorsed by their employers. Exercise riders, pony riders, and any person intending to exercise a horse upon a licensed racetrack may be required by the stewards to demonstrate their horsemanship.

(10) It shall be a trainer's responsibility to maintain on file with the commissioner an up-to-date roster of owners, employees, and any others having access to the trainer's assigned premises. The roster shall contain all information considered pertinent by the commissioner.

(11) An individual, other than a licensee, seeking entry into a restricted area shall make application for a restricted area pass from the racing commissioner. 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 licensed race meeting. However, a spouse of a licensed 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.

~~(12) Licensed trainers may apply for a temporary license for owners for whom they train. A temporary license is valid for 1 start only. A subsequent entry will require the owner to be fully licensed in conformity with these rules.~~

R 431.1060 Occupational license fees.

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

(2) ~~Unless voided by the commissioner a~~**A** license fee receipt ~~shall~~ admit**s** an applicant to restricted areas only during the period designated by the ~~commissioner~~ **executive director** on the face of the receipt.

R 431.1065 ~~Joint ownership.~~ **Ownership.**

Rule 1065. (1) Every legal entity having an ownership interest in a horse ~~shall~~**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** ~~more than 4 individual persons own interests in a single horse through a corporation, syndicate, partnership, or other joint venture, such individual persons may designate, in writing, up to 4 members of the corporation, syndicate, partnership, or joint venture to represent the entire ownership of, and be responsible for, the horse as the licensed owner or owners~~. **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 ~~commissioner~~ **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** ~~affixed to the horse's registration or eligibility papers~~ 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** ~~the validity~~ of a lease ~~may be suspended temporarily or voided by the stewards at any time~~ upon a determination that the lease is not in the best interest of racing.

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

(a) The lessee **and lessor are** ~~is~~ licensed as ~~an~~ owner**s**.

(b) Each of the signatures of the lessor~~s~~ and lessee~~s~~ on the lease agreement ~~is~~ **are** subscribed and sworn to before a notary public.

(c) A horse ~~shall~~ **is** not ~~be~~ 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 ~~shall~~ terminate**s** and all rights in and to such horse ~~shall~~ pass to the claimant as a bona fide purchaser.

(f) The lease completely divests the lessors ~~or sublessors~~ 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 ~~Licensure of corporations or syndicates~~**Rescinded**.

~~Rule 1075. (1) If more than 4 individual shareholders or members own interests in a single horse through a corporation or syndicate, the horse may be leased for racing purposes pursuant to R 431.1065 or R 431.1070.~~

~~(2) A corporation or syndicate which does not have more than 4 individual shareholders or members shall, at the time of filing an application for an owner's license, provide the commissioner with all of the following information:~~

~~(a) The names and addresses of the shareholders or members of the corporation or syndicate, together with the amount of their respective holdings.~~

~~(b) Indication of whether the stated amount of investment by a shareholder or member is paid in full.~~

~~(c) Designation of a person or persons authorized to represent the corporation or syndicate in racing matters.~~

~~(3) Each shareholder or member of a corporation or syndicate licensed to race under these rules shall be licensed individually.~~

~~(4) A corporate name or a syndicate name, if any, shall be considered a stable name for the purpose of these rules, but the commissioner reserves the right to refuse any corporation or syndicate the right to register a stable name.~~

R 431.1080 ~~Licensure of partnerships~~**Rescinded**.

~~Rule 1080. (1) If more than 4 persons own interests in a single horse through a partnership, the horse may be leased for racing purposes pursuant to R 431.1070.~~

~~(2) Each member of a partnership licensed to race under these rules shall be licensed individually.~~

~~(3) A partnership shall be registered with the commissioner. Partnership papers shall include all of the following information:~~

~~(a) The name and address of every person who has an interest in the horse or horses involved.~~

~~(b) The relative proportions of such interests.~~

~~(c) To whom the winnings are payable.~~

~~(d) In whose name the horse or horses shall compete.~~

~~(e) Who has the power to enter the horse or horses in races or to withdraw the horse or horses from races.~~

~~(f) The terms of any contingency, lease, or other arrangements.~~

~~(g) The name or names of the horse or horses involved.~~

~~(4) Any partner transacting business on behalf of a partnership shall own an interest in the partnership which is not less than the interest owned by any other partner.~~

~~(5) All partnership papers shall be signed by all of the parties or by their authorized agent.~~

~~(6) Any alteration in a recorded partnership agreement shall necessitate application for a new partnership agreement.~~

~~(7) All the parties in a partnership shall be jointly and severally liable for all arrears.~~

~~(8) The part owner of a horse may assign his or her share or any part of it with the written consent of the other partners. The consent shall be filed with the stewards.~~

~~(9) A partner may claim for the partnership, unless otherwise stated in the partnership agreement.~~

R 431.1085 ~~Joint ownership; w~~**W**aiver of rules.

Rule 1085. The ~~commissioner~~ **executive director**~~, in extraordinary circumstances,~~ may waive these rules with respect to any 1 horse owned by any **legal entity**~~corporation, syndicate, partnership, or other joint venture~~ to permit the horse to participate in a specific race of special interest to the sport and **this state** ~~the state of Michigan~~.

R 431.1090 ~~Joint ownership; reports~~**Rescinded**.

~~Rule 1090. (1) The shareholders or members of any corporation, syndicate, partnership, or other joint venture which leases horses for racing purposes in this state, in addition to the corporation, syndicate, partnership, or joint venture, shall file with the commissioner when requested to do so, a report under oath containing all information related to racing the commissioner specifies. Failure of a corporation, syndicate, partnership, or joint venture to file the report shall result in the denial of a license to any lessee or lessees of the corporation, syndicate, partnership, or joint venture or the revocation of a license already granted.~~

~~(2) A stable name shall be carried on the program 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."~~

R 431.1095 Associations; duties.

Rule 1095. (1) Each association licensed by the ~~commissioner~~ **executive director**, and each licensed association's officers, directors, officials, and employees, shall observe and enforce the laws of ~~the~~ **this** state**,** ~~of Michigan and~~ the rules **promulgated under the act,** and ~~regulations~~ **orders** of the ~~commissioner~~ **executive director** at and during ~~licensed~~ 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 ~~commissioner~~ **executive director,** and pursuant thereto shall immediately eject and exclude from **the** ~~association~~ 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 ~~commissioner~~ **executive director.**

(2) Each association shall provide a competent and adequate security force, night and day, in and about ~~association~~ **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. ~~Upon a determination by the racing commissioner that additional security is necessary to insure the safety and integrity of racing, supplemental security shall be provided by the racing commissioner at each race meeting in areas where occupational licenses are required for admittance~~.

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

~~(a) All persons whom it knows have been designated by written order of the commissioner or the stewards to be under expulsion, ruled off, or otherwise excluded from association grounds pursuant to the act and the rules of the commissioner~~**.**

(~~b~~**a**) Upon written notification of the ~~commissioner~~ **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 ~~racetrack~~ grounds in such other racing jurisdiction.

(~~c~~**b**) All persons whom it knows to be engaged in activities on ~~association~~ **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.

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

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

(~~f~~**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 ~~association~~ **the** grounds.

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

(~~h~~**g**) All persons whose presence and conduct on ~~association~~ **the** grounds reasonably threatens the health and safety of other persons on ~~association~~ **the** grounds or reasonably threatens or undermines public confidence in the integrity of racing or pari-mutuel wagering conducted on ~~association~~ **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 ~~commissioner~~ **executive director** in writing.

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

(8) The stable area of each licensed **track** ~~racetrack~~ 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~~track~~ **course** surfaces that are safe and humane.

(b) Proper equipment to maintain ~~track~~ **race course** surfaces.

(c) Sufficient trained personnel to properly operate maintenance equipment and to assess needs in ~~track~~**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. ~~Such~~**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 ~~at the~~ **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) ~~Commissioner's~~ **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 ~~commissioner~~ **executive director.** No other place or method of betting, pool making, wagering, or gaming shall be used or permitted without the ~~commissioner's~~ **executive director's** approval.

(21) An association conducting racing shall provide photo finish service of a type and quality approved by the ~~commissioner~~ **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 ~~commissioner~~ **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 ~~such device~~**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** ~~as it is run~~. The recording shall be by videotape or other means approved by the ~~commissioner~~ **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. ~~Such~~**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 ~~commissioner~~ **executive director.** Specific recordings shall be shown to the stewards at any time during the meeting or shall be delivered to the ~~commissioner~~ **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 ~~shall~~ secure**s** 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 ~~commissioner~~ **executive director** and his or her **authorized** representatives. Identification signifying the bearer as a representative of the ~~commissioner~~ **executive director** shall be honored for entrance to all points on the grounds.

(29) The names and addresses of the~~ track-designated stewards and other~~ racing officials **with at least 1 back up for each position** shall be submitted to the ~~commissioner~~ **executive director** not less than 30 days before the start of the race meeting and shall thereafter be approved or disapproved by the ~~commissioner~~ **executive director**~~A disapproval shall be for cause~~.

(30) Racing officials subject to the approval of the ~~racing commissioner~~ **executive director** shall not hold more than 1 official position during a race ~~meet~~**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** ~~a racetrack~~ without a current valid license or restricted area pass in his or her possession. An association may permit a **person**~~ licensed applicant~~ 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) A licensed person in or entering the stables, paddock, or other restricted area of a racetrack under the jurisdiction of the commissioner shall wear, on his or her outer apparel, a currently valid identification card of a type required by the commissioner. An association may refuse to accept the identification card as a badge for admission to any parts of the spectator areas it specifies.~~

~~(3) Occupational licenses and restricted area passes shall require validation for each race meeting. The licenses of horse owners and stable employees shall not be validated unless their names appear on the stable list submitted to the commissioner by the responsible trainer.~~

(**24**) 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** ~~L~~**l**icensed persons entering restricted areas of **the grounds**~~ racetracks~~ during other than normal racing and training hours shall sign in **upon arrival and check**~~ and shall sign~~ out upon departure. The person's name, occupation, and **license plate**~~vehicle~~ 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 ~~in a horse-in, horse-out book~~ 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 ~~commissioner's office or the~~**official** veterinarian **or the stewards**.
(4)~~All horses entering association grounds from another state shall provide a current certificate of health which is to the satisfaction of the stewards and which evidences current Coggins testing by a doctor of veterinary medicine.~~ **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 ~~an~~ **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**.** ~~or with a~~
(b) A request or suggestion of **any of the following:**
(i) A bribe**.**~~; a~~
(ii) Any improper, corrupt, or fraudulent act or practice in relation to a race or racing~~;~~.~~or that~~
(iii) That any race be conducted other than in a fair manner and ~~in accordance with~~ **pursuant to** the rules~~, that person shall report such offer or suggestion immediately to the stewards or commissioner~~.
(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~~, while under oath in any hearing, or in a sworn statement,~~ 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 ~~ruled off and~~ subject to ~~further~~ disciplinary action or criminal prosecution, or both.

R 431.1130 Expulsion and ruling off by ~~commissioner~~ **executive director.**
Rule 1130. (1) The ~~commissioner~~ **executive director**, deputies, or authorized representative of the ~~commissioner~~ **executive director** may order any person, whether licensed or unlicensed, to be immediately ejected, ruled off, and excluded from **the** ~~association~~ 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** ~~rules of the commissioner~~ 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~~pertaining to the reporting of pari-mutuel gambling winnings as income~~.

(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 ~~t~~**T**rotting ~~a~~**A**ssociation.

(iii) American ~~q~~**Q**uarter ~~h~~**H**orse ~~a~~**A**ssociation.

(iv) Appaloosa ~~h~~**H**orse ~~c~~**C**lub.

(v) Arabian breed registry.

(vi) The ~~commissioner~~ **executive director.**

(vii) Any racing official.

(g) The person's participation in any disorderly conduct or public disturbance on ~~association~~ **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 ~~association~~ **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 ordering or performing a nerve operation at or above the ankle of a horse or a tumor (re-nerving) operation in the same area on a horse on the grounds of a track under the jurisdiction of the commissioner.~~

~~(o) If the person is a veterinarian, ordering a horse to be denerved, neurectimized, desensitized, or anesthetized by surgery, cryosurgery, freezing, chemical block, or any other means at or above the ankle so as to remove sensation from the lower limb. A horse which has been subjected to any of these procedures shall not be eligible to race, and any licensee who violates this rule shall be subject to disciplinary action.~~

~~(p) The person's participation in injecting, or ordering the injection of, a horse for the purpose of administering a drug which could affect the performance of the horse entered to race or for the purpose of blocking a nerve.~~

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

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

~~(3) Any person who is ordered to be ejected, ruled off, and excluded from association grounds by order of the commissioner, deputy, or authorized representative of the commissioner shall, upon written request, have the right to a hearing de novo before the commissioner to review the order of expulsion or ruling off, unless such a hearing has already been held before the commissioner under Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws, and a final determination made by the commissioner before issuance of the order under review. Upon such request, the commissioner shall schedule a date, time, and place for the hearing to be held within 14 days and shall promptly notify the person, who requested the hearing of the scheduled date, time, and place for the hearing. The hearing shall be held pursuant to Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws. The person shall remain ruled off and excluded from association grounds for a period of not more than 90 days after receipt of a request for review pending the hearing and final determination of the commissioner regarding the order of expulsion or ruling off under review.~~

R 431.1135 ~~Hypodermic paraphernalia~~**Rescinded**.

~~Rule 1135. (1) A person on the grounds of a racetrack under the jurisdiction of the commissioner or on grounds where horses which are eligible to race at the racetrack are kept shall not have any of the following in his or her possession, in his or her personal effects or vehicle, or in or upon premises he or she occupies or controls:~~

~~(a) A hypodermic syringe.~~

~~(b) Hypodermic needle.~~

~~(c) Other hypodermic device.~~

~~(d) A drug used for the injection or infusion of another drug into a horse.~~

~~(2) The use or possession of hypodermic paraphernalia by veterinarians licensed by the commissioner is not prohibited. However, veterinary practices are subject to review by the commissioner. A veterinarian shall not sell, give, or provide a hypodermic needle or syringe or any substance for hypodermic administration to any licensee on the grounds. In special circumstances or an emergency, a licensee requiring medical treatment may, upon written request, be granted permission for the temporary possession of a hypodermic syringe or needle on the grounds.~~

R 431.1140 Electrical devices.

Rule 1140. A person who is on the grounds ~~of a racetrack~~ under the jurisdiction of the ~~commissioner~~ **executive director** or on **the** grounds where horses which are eligible to race at the **licensed** ~~race~~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. ~~(1)~~ A~~n~~ **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.

~~(2) The commissioner his or her appointees or designee, and employees shall not wager on a race conducted by an association licensed by the commissioner.~~

~~(3) An employee of an auditing firm present on behalf of the state or a person employed by an association as steward, mutuel department manager, mutuel department calculating room employee, totalisator computer programmer, or technician shall not wager on a race at the meeting.~~

~~(4) A person who violates this rule shall be subject to disciplinary action~~.

R 431.1150 Ownership prohibition.

Rule 1150. A person approved by the ~~commissioner~~ **executive director** as a racing official, employee of a~~n~~ **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**~~such~~ meeting. Association employees not directly connected with the running of a race may be the owner or part owner of a horse racing ~~in a stake or futurity~~ **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. ~~A person engaged in bookmaking or betting shall be subject to criminal charges.~~ Any ~~owner, trainer, jockey, driver, or other licensed~~ person **licensed under this act** who ~~bets with or through a handbook or~~ 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 ~~commissioner~~ **executive director**.

R 431.1160 Dissemination of information.

Rule 1160. An association employee or person licensed by the ~~commissioner~~ **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 ~~grounds~~ **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** ~~under the shedrow of any barn is prohibited~~.

(2) Possession of or use~~s~~ of controlled substances or concealed weapons in the stable area of any ~~racetrack~~**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 ~~under a shedrow~~ **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.

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

~~(5) Drivers, jockeys, stewards, judges, starters, drivers of the starting gate, and outriders shall be required to submit to a breathalyzer test when requested by the racing commissioner. In the case of drivers and jockeys, if the results of such test show a reading of more than .05% of alcohol in the blood, such driver or jockey shall not be permitted to drive or ride and shall be subject to disciplinary action. If the results of a breathalyzer test show more than .05% of alcohol in the blood, an individual shall be relieved of his or her duties and such further action shall be taken as the stewards deem necessary. A person registering .05% or more on the breathalyzer may have independent urine or blood tests taken, at his or her own cost. Drivers and jockeys shall be subject to testing for drug use as required by the commissioner.~~

(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 ~~Disqualification from racing~~**Rescinded**

~~Rule 1180. A person whose license has been revoked or has been suspended, whether temporarily for investigation or otherwise, and so long as his or her exclusion or suspension continues, shall not be qualified, whether acting as an agent or otherwise, to subscribe, or to enter or run any horse, for any race either in his or her own name or in the name of any other person.~~

R 431.1185 ~~Licensure denial by other jurisdiction~~**Rescinded**.

~~Rule 1185. The denial of a license by any other racing jurisdiction shall be considered as a basis for the denial of a license by the commissioner.~~

R 431.1190 ~~Reinstatement~~**Rescinded**.

~~Rule 1190. When a license is revoked by the commissioner or other racing jurisdiction, the former holder of such license remains disqualified in the state of Michigan until his or her license is restored in good standing by the commissioner.~~

R 431.1195 ~~Conduct of racing~~**Rescinded**.

~~Rule 1195. (1) An owner, trainer, driver, jockey, attendant of a horse, or any other licensed person or association employee shall not use disrespectful language when addressing, or be guilty of any disrespectful conduct toward, an racing official, steward judge, or person serving under an racing official's or judgesteward's orders, such disrespectful language or conduct having reference to the administration of the course or of any race thereon.~~

~~(2) An owner, trainer, driver, jockey, attendant of a horse, or any other licensed person, at any~~

~~time or place, shall not commit an assault or an assault and battery upon any person, shall not threaten to do bodily injury to any person.~~

R 431.1200 ~~Disqualification of h~~**H**orses **ruled ineligible**; forfeiture of money and prizes.

Rule 1200. (1) ~~When a person is expelled or ruled off,~~ **E**very horse **trained or** owned wholly or partly by ~~him or her shall also be~~ **a disqualified person or a person who has been expelled or ruled off is** ~~disqualified~~ **ineligible** to race ~~so long as the sentence continues~~ **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 ~~disqualified~~ **ineligible** horse, that entry ~~shall be~~**is** void and the money paid for **the**~~such~~ entry, if any, shall be refunded. Any money or prize won by ~~such~~**the** entry shall be forfeited by the disqualified ~~party~~**person or person who has been expelled or ruled off**.

(~~2~~**3**) A horse or stable entry ~~which~~ **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** ~~racetrack~~ under the jurisdiction of the ~~commissioner~~ **executive director** during the continuance of **the**~~such~~ ruling.

(~~3~~) ~~When a person is ruled off for any fraudulent practice in relation to a particular horse owned wholly or partly by him or her, he or she shall forfeit all money and prizes which such horse has fraudulently won.~~

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 ~~of the owner, the trainer~~, 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. ~~Other complaints shall be made in writing and bear the signature of the complainant. Complaints involving racing matters 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 commissioner.~~

~~(3) A person making an objection determined by the stewards or commissioner to be unreasonable, unwarranted, or frivolous may be subject to a fine in an amount offsetting expenses incurred in determining the objection.~~

(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 ~~1 year~~ **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.

~~(d)~~ **(2) Licensees**~~Owners, authorized agents of owners, trainers, jockeys, and drivers~~ 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 ~~protest, objection,~~ 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 ~~protest, objection,~~ 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 ~~racing commissioner~~ **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**~~such~~ dispute or contested case, may be distributed at the discretion of the stewards or ~~commissioner~~ **executive director**.

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

(c) The horse ~~which~~ **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 ~~in accordance with~~**pursuant to** the determined order of finish in ~~such~~**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.

~~(3) Every objection, complaint, protest, or allegation of a rule violation shall be determined by the stewards, but an appeal may be directed to the commissioner.~~

R 431.1230 Fines; suspensions.

Rule 1230. (1) A fine imposed by the stewards or ~~commissioner~~ **executive director** is payable within ~~5~~**10** calendar days of proper notice to the licensee fined. A licensee who fails to pay ~~such~~**the** fine within ~~5~~**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 ~~such~~**the** temporary suspension, to fulfill all engagements made before the suspension.

~~(3) A licensee who is suspended in any recognized racing jurisdiction is suspended from participation in Michigan for as long as his or her sentence continues, unless otherwise modified by the commissioner.~~

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 ~~commissioner~~ **executive director.**

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

(3) All appeals shall be filed, in writing, with the ~~commissioner~~ **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 ~~commissioner~~ **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**~~such~~ portion ~~thereof~~ **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 ~~order or~~ 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 ~~racing commissioner~~ **executive director**.

(2) A request for a declaratory ruling shall be submitted in writing to the ~~Racing Commissioner~~ **executive director**, ~~Michigan Office of Racing Commissioner, PO Box 30773, Lansing, MI 48909-8273~~ 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 ~~45 business~~ **90 calendar** days after receiving a submitted request, the ~~commissioner shall~~ **executive director shall issue a written notification by regular first-class mail to the petitioner and the petitioner's legal counsel, if any, stating** ~~notify any person of record as to~~ whether the declaratory ruling will be issued or denied.

(4) The ~~request may be declined~~ **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) Denials shall include the facts upon which the denial has been made.~~

(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 ~~office of racing commissioner the~~ **executive director** and shall not retroactively be changed, but nothing in this rule ~~shall~~ prohibit**s** the ~~commissioner~~ **executive director** from prospectively changing a ruling.

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

R 431.1250 Stewards; duties; ~~approval;~~ majority vote.

Rule 1250. (1) The stewards shall supervise and regulate the conduct of racing at each ~~licensed~~ race meeting.

~~(2) A steward nominated by the association conducting a race meeting is subject to the approval of the commissioner.~~

(2)~~(3)~~ All questions to be decided by the stewards shall be determined by majority vote. A dissenting steward may submit a minority report.

~~(4) The name of an association's nominee for steward shall be submitted for approval not less than 30 days before the scheduled start of the race meeting. A steward shall not serve unless approved by the commissioner. Disapproval shall be for cause.~~

R 431.1255 Stewards; qualifications.

Rule 1255. **(1)** Before being appointed or approved by the ~~commissioner~~**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) Assistant or associate steward.~~

(~~c~~**b**) Racing secretary.

(~~d~~**c**) Assistant racing secretary.

(~~e~~**d**) **Official Ss**tarter.

(~~f~~**e**) Placing judge.

(~~g~~**f**) Patrol judge.

(~~h~~**g**) Paddock judge.

(~~i~~**h**) Clerk of scales.

(i) Racing regulatory veterinarian.

(2) ~~However, if~~ **If** no acceptable applicant possesses ~~these~~ **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 ~~such~~ other related experience as the ~~commissioner~~ **executive director** ~~deems~~**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**~~such~~ race. ~~Such~~**The** findings of fact and determinations ~~shall be~~ **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 ~~to~~ enforce **the**~~such~~ determinations.

(c) Fine, suspend, or rule off a participant in racing, or order ejected or excluded from ~~association~~**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** ~~association~~ 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 ~~commissioner~~ **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 ~~deem~~**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 ~~run~~ as no contest.

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

(i) Employees of the ~~commissioner~~ **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 ~~such~~**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 ~~such~~**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 ~~commissioner~~ **executive director.**

Rule 1265. The stewards may refer any matter within their authority to the ~~commissioner~~ **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 ~~and holding barn~~.

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 ~~for chemical testing~~.

R 431.1275 Taking of specimens.

Rule 1275. (1) The stewards or ~~state~~ **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 ~~horses finishing first~~ the **official winning horse** in a race and any other horse or horses designated by the stewards **or official veterinarian**.

(2) The stewards or ~~state~~ **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) ~~Horses from which specimens are to be drawn shall be escorted to the detention area by such assistants as the commissioner's veterinarian may require and remain there until released~~**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 ~~licensed~~ owner, trainer, driver, or ~~attendant of a~~ 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.** ~~The horse's attendant shall sign in and out of the detention area.~~

(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 ~~commissioner's~~**official** veterinarian.

(3) During the taking of specimens from a horse, the owner, ~~responsible~~ trainer, or **horse attendant** ~~licensed representative designated by such owner or trainer~~ shall be present and witness the taking of **the**~~such~~ specimen and so signify in writing. In the case of a claimed horse, the **original** owner, trainer, or ~~a licensed representative in whose name the~~ horse **attendant** ~~started~~ shall be present.

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

(**a**~~4~~) All **sample** containers **shall arrive from the testing laboratory with a tamper proof seal.** ~~Previously used for specimens shall be thoroughly cleaned in the designated laboratory and shall be sealed with the laboratory stamp~~. The laboratory ~~stamp~~**seal** shall not be broken except in the presence of the person witnessing the specimen collection.

(**b**~~5~~) **A urine** ~~S~~specimen~~s~~ taken from a horse shall be placed in a container and sealed with an identification ~~tag~~ **label** affixed. **The sample must be placed in the refrigerator of the restricted access detention barn laboratory.** One portion of ~~such tag~~ **the sample form** bearing a printed identification number shall remain with the sealed container, and the other portion of **the**~~such~~ ~~tag~~**sample**

form bearing the same printed identification number shall be detached in the presence of the witness. The ~~commissioner's~~ **official** veterinarian or his or her assistant shall, on the ~~identification tag~~ **sample form**, identify the horse from which **the**~~such~~ specimen was taken, and shall note the race and day and any other information **required**. The ~~tag~~ **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.** ~~And the detached portion of the identification tag shall be delivered to the commissioner's office~~. 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**~~6~~) A horse's identity shall be confirmed by tattoo number **or unique microchip**. A horse which ~~has not been tattooed~~ **cannot be properly identified** shall be reported immediately to the stewards.

(**d**~~7~~) If, after a horse remains a reasonable time in the detention area, a specimen cannot be taken from ~~such~~**the** horse, the ~~commissioner's~~ **official** veterinarian may permit **the**~~such~~ horse to be returned to its barn and usual surroundings for the taking of a specimen under the supervision of the ~~commissioner's~~ **official** veterinarian or his or her **assistant**~~designee~~. 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.

(~~8~~) ~~The commissioner's veterinarian shall be responsible for the proper storage of samples and the delivery of the samples to the designated laboratory.~~

~~(9) An owner, trainer, assistant trainer, groom, stable attendant, or other licensed person who interferes with, or uses abusive or insulting language when addressing, the state veterinarian or his or her assistants appointed by the commissioner while in the discharge of their duties is subject to disciplinary action.~~

R 431.1285 ~~Specimen testing procedures; permission for distribution of purse~~**Rescinded**.

~~Rule 1285. (1) The supervising chemist of the designated laboratory shall be responsible for safeguarding and testing specimens delivered to his or her laboratory.~~

~~(2) The designated laboratory shall submit to the stewards, with a copy to the commissioner, a written report as to each specimen tested which indicates, by specimen tag identification number, whether such specimen tested negative, suspicious, or positive for prohibited drugs, and other such information the commissioner may require.~~

~~(3) If the designated laboratory finds a specimen suspicious for a prohibited drug, the supervising chemist may request additional time for test analysis and confirmation.~~

~~(4) An association shall not make distribution of any purse until given permission by the stewards or commissioner.~~

R 431.1290 ~~Laboratory reports~~**Rescinded**.

~~Rule 1290. (1) In reporting a finding of a drug, the designated laboratory shall submit, upon request, evidence acceptable in the scientific community and admissible in court in support of such finding.~~

~~(2) The designated laboratory shall submit, upon request, supplemental reports on suspicious findings.~~

~~(3) When the report of finding of a drug is received by the stewards, they shall call for whatever investigatory assistance they deem necessary. Results of this investigation shall be presented to the stewards. The stable shall remain in good standing pending the outcome of a hearing and until a ruling has been made, except that a horse identified with the report shall not be permitted to compete during the investigation and hearing. The stewards may take disciplinary action against the trainer and other licensees involved in the matter. The purse from the race may be redistributed by order of the stewards. A horse shall not be immune from resulting disciplinary action.~~

R 431.1295 Trainers; responsibilities; positive test presumptions.

Rule 1295. (1) A trainer ~~shall be~~**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 **Drug and foreign substances**~~Medications and drugs~~.

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,~~ medications,~~ **and foreign** substances~~ foreign to the natural horse, or naturally occurring substances at unnaturally high levels~~.

(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)~~(2)~~ A drug or foreign substance, as defined by the act, ~~that is classified as or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse~~ 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.**~~ That is conducted at a licensed race meeting in the state. For the purposes of this rule, a horse that is intended to be entered is a horse that has its name put into the draw for a specific race. A horse that is entered in a race is a horse that has been drawn into a specific race.~~

(4)~~(3)~~ A drug or foreign substance, as defined by the act, ~~that is not classified as or does not act as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse~~ 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 ~~licensed~~ race meeting in the state only when authorized by the rules **or written order** of the ~~commissioner~~ **executive director** for use in the care or treatment of the horse.

~~(4) Phenylbutazone is authorized for administration to 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 that is conducted at a licensed race meeting in the state if all of the following conditions are met:~~

~~(a) Before administration, a veterinarian who is licensed by the commissioner shall have prescribed the use of phenylbutazone for the cure or treatment of an existing illness, disease, or condition in the horse.~~

~~(b) The phenylbutazone shall be administered to the horse by a veterinarian who is licensed by the commissioner or, if administered orally, by the trainer of the horse who is acting under the direction of the veterinarian.~~

~~(c) Blood samples that are obtained for testing shall not contain concentrations of phenylbutazone or oxyphenbutazone of more than 5 micrograms per milliliter of serum or plasma. Serum or plasma~~

~~samples that contain concentrations of more than 5 micrograms per milliliter of phenylbutazone or oxyphenbutazone violate these rules and subject the trainer to disciplinary action by the commissioner.~~

~~(d) Phenylbutazone shall not be administered to a 2-year-old horse that is intended to be entered, is entered, or participates, in a race at a licensed race meeting in the state.~~

~~(5) Furosemide is authorized for administration to 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 that is conducted at a licensed race meeting in the state if all of the following conditions are met:~~

~~(a) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the official veterinarian or his/ **or** her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.~~

~~(b) The form must be received by the official veterinarian or his/**or** her designee by the time of entry.~~

~~(c) If a horse has been determined to require furosemide by a veterinarian and trainer who are employed or licensed by another racing jurisdiction, then the commissioner's veterinarian shall place the horse's name on the furosemide list and authorize the horse to race in Michigan on furosemide upon the presentation of any of the following by the horse's trainer:~~

~~(i) Written certification from a licensed veterinarian in another racing jurisdiction that the horse is a furosemide user or requires furosemide.~~

~~(ii) Written verification on the horse's foal papers or eligibility papers that the horse is a furosemide user.~~

~~(iii) Publication in official charts or past performance lines for the horse that identifies the horse as a furosemide user.~~

~~(d) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request shall be made to the commissioner's veterinarian or his/ **or** her designee before time of entry. A horse that has been removed from the furosemide list may not be placed back on the list for a period of 60 calendar days, unless it is observed and certified to be a bleeder by a licensed veterinarian. Certification by the licensed veterinarian shall be in writing on the prescribed form and, once certified, the horse shall be placed on the stewards' list for the required number of days as provided in R 431.1325.~~

~~(e) A horse which has been placed on the furosemide list shall be administered furosemide in compliance with these rules not less than 3**4** hours before the scheduled post time within the restricted area of the racetrack for each race in which the horse is entered. A grace period of 30 minutes may be granted by the stewards upon notification that the horse has been delayed in reaching the track.~~

~~(f) The allowable dosage of furosemide shall be determined by the commissioner.~~

~~(g) The furosemide shall be administered by a veterinarian who is licensed by the commissioner.~~

~~(h) Each time furosemide is administered pursuant to the provisions of this rule, the attending veterinarian shall verify the administration on a form prescribed by the commissioner before the scheduled post time of the race in which the horse is entered.~~

~~(i) Furosemide shall not be administered to a 2-year-old standardbred horse that is intended to be entered, is entered, or participates, in a race at a licensed race meeting in the state.~~

(**5**~~6~~) Leg paints and liniments may be administered externally to a horse by topical application if ~~they do not contain ethyl aminobenzoate or any caine derivatives and if~~ they can be applied topically without penetrating the skin.

~~(7) A drug or foreign substance, as defined by the act, shall not be present or carried in a horse that is entered or participates in any race conducted at a licensed race meeting in the state, unless the drug or foreign substance has been specifically authorized by the commissioner for use in the cure or treatment of an existing illness, disease, or condition in the horse pursuant to the provisions of subrules (4), (5), and (6) of this rule.~~

(6~~7~~) 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~~8~~) A finding by the ~~commissioner's~~ **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 ~~commissioner~~ **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**~~, in a race~~ **that is conducted** at a ~~licensed~~ race meeting ~~in the state~~ **or training center** ~~shall be~~**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 ~~at the time~~**when** the sample was obtained from the horse. Such laboratory finding ~~shall~~ also constitute**s** 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) A veterinarian or any other person shall not have, in his or her possession, within any racetrack enclosure, any drug or foreign substance that has not been approved by the food and drug administration pursuant to the federal food, drug and cosmetic act, as amended through December 31, 2004, Section 108 of Animal Drug Amendments of 1968.~~

~~(10) A person, other than a veterinarian who is licensed by the commissioner or a person with written permission from the commissioner, a deputy commissioner, state steward, or commissioner's designee, shall not have, in his or her possession, on the grounds of a licensed race meeting, any drug or foreign substance, as defined by the act, that is classified or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse.~~

~~(11) A person, other than a veterinarian who is licensed by the commissioner or a person with written permission from the commissioner, a deputy commissioner, state steward, or commissioner's designee, shall not have, in his or her possession, on the grounds of a licensed race meeting, any hypodermic needle or syringe or other equipment for hypodermic administration; any drug or foreign substance, as defined by the act, that can be administered by hypodermic or rectal administration; or any suppositories or equipment for rectal infusion.~~

~~(12) Notwithstanding the provisions of subrules (10) and (11) of this rule, a person may have, in his or her possession, on the grounds of a licensed 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 licensed race meeting unless he or she~~

~~first obtains specific written permission from the commissioner, a deputy commissioner, a state steward or a commissioner's designee, for such possession and use on racetrack grounds.~~

~~(13) Notwithstanding the provisions of subrule (11) of this rule, a person may possess, on the grounds of a licensed race meeting, 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 the commissioner, a deputy commissioner, a state steward, or commissioner's designee, 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 the commissioner, deputy commissioner, a state steward, or commissioner's designee 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 racetrack grounds.~~

~~(14) A veterinarian who is licensed by the racing commissioner may possess, on the grounds of a licensed 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 under state or federal law.~~

(9)~~(15)~~ When imposing penalties for a violation of the provisions of this rule, the ~~commissioner~~ **executive director**, deputy **directors** ~~commissioners~~, 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 ~~age and~~ 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 average handle at the race meeting where the violation occurred and the purse in the questioned race.~~

(g) ~~(h)~~ 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 ~~shall~~**are** not ~~be~~ required to articulate any of the ~~foregoing~~**factors listed in subrule (9) of this rule** in their ruling**,** nor shall ignorance of the rules be ~~deemed~~ **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 Denerving 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, neurectimized, 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~~, as that term is defined by R 431.1001(f),~~ shall be placed on the **veterinarian's** ~~stewards'~~ list for not less than 14 days and shall not be permitted to race until the horse is examined by ~~a~~ **an official** veterinarian ~~who is employed or licensed by the commissioner and is released from the stewards' list by the stewards pursuant to, and in accordance with, the examining veterinarian's recommendation and approval~~. The **veterinarian's** ~~stewards'~~ list shall be kept and maintained by the **official** ~~stewards and the~~ veterinarians ~~who are employed by the commissioner~~.

(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 ~~shall~~**is** not ~~be~~ 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 ~~shall~~**is** not ~~be~~ 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 ~~shall~~**is** not ~~be~~ 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 ~~commissioner's~~ **official** veterinarian and released from the ~~stewards'~~**veterinarian's** list ~~by the stewards pursuant to, and in accordance with, the recommendation and approval of the commissioner's veterinarian~~.

~~(6) The stewards' list for the race meeting shall be posted in the racing secretary's office, the commissioner's office, and the steward's office at each race meeting.~~

R 431.1330 Nullification of records.

Rule 1330. If a horse establishes a record in a race and later **laboratory** ~~chemical~~ 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 ~~shall be~~ **is** null and void.

R 431.1335 Destruction of injured horse; euthanasia permitted.

Rule 1335. Upon a determination of the ~~commissioner's~~ **official** veterinarian that a horse injured in a workout or a race is injured to the extent that the horse must be destroyed, the ~~commissioner's~~ **official** veterinarian may perform humane euthanasia after receiving written permission from the trainer **or his or her representative** on a form prescribed by the ~~commissioner~~**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 ~~commissioner's~~ **official** veterinarian and before permission is obtained. At the discretion of the ~~commissioner's~~ **official** veterinarian, a postmortem may be required~~.~~ **and** ~~T~~**t**he 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 ~~Rescission~~**Rescinded**.

~~Rule 1999. R 431.1 to R 431.98z of the Michigan Administrative Code, appearing on pages 4325 to 4436 of the 1979 Michigan Administrative Code, are rescinded insofar as they apply to mutuels, thoroughbred racing, and harness racing.~~

PART 2. MUTUELS

R 431.2001 Definitions~~; B to M~~.

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) ~~"Entry" means either of the following:~~

~~(i) A horse entered in a race.~~

~~(ii) 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 of the racing commissioner~~**executive director.**

"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 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.~~

(~~d~~**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 ~~Definitions; P to W~~**Rescinded**.

~~Rule 2005. As used in this part:~~

~~(a) "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.~~

~~(b) "Post time" means the time set for the arrival of the horses in a race at the starting post.~~

~~(c) "Scratch" means the withdrawal of a horse entered for a race after the time of closing.~~

~~(d) "Starter" means a horse in front of whom the stall doors of the starting gate open at the time the starter dispatches the field or, when no starting gate is used or a mobile starting gate is used, the starter gives the word "go."~~

~~(e) "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 commissioner or stewards because of the disqualification of an actual first-place finisher.~~

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 ~~or messengers~~. Pari-mutuel tickets shall not be exchanged~~, except as otherwise provided for in R 431.2105, R 431.2110, and R 431.2115~~.

(2) Wagers shall be paid when a race is declared official by the stewards. A race ~~shall be deemed~~**is** official when an official sign is purposely displayed or an official announcement is made. Any subsequent ruling of the ~~commissioner~~**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,** ~~Act No. 90 of the Public Acts of 1951, as amended, being,~~ **SMCL** 431.252~~ of the Michigan Compiled Laws~~.

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

~~(6) A winning ticket shall not pay less than $1.10 on a wager of $1.00, and the minimum value of winning tickets of a higher denomination shall be in direct proportion thereto. A licensee shall not use any part of the state tax or the state's share of the breakage to make up any minus pool.~~

(~~7~~**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 ~~racing~~ association.

(~~8~~**7**) Payments ~~will~~**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~~ for show~~, in which case payments ~~will~~**must** be made on **all win, place and show finishers**~~the first 4 horses~~.

(~~9~~**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.**

(~~10~~**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 ~~racing commissioner~~**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 ~~racing commissioner~~**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. ~~Cashing of tickets shall begin, and selling shall resume, as soon as possible after the official results of a race have been posted~~.

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 ~~racing commissioner~~**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 ~~shall~~**is** not ~~be~~ 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)**~~12~~ 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 ~~racing commissioner~~**executive director**. The odds board of the totalisator or other mechanical device shall be placed in full view of the patrons.

(2) No other ~~place or~~ method of betting, pool-making, wagering, or gaming shall be used or permitted.

~~(3) An association shall divide the breaks equally with the state. Breaks shall be computed at all times at 10 cents and defined at the cents over any multiple of 10 otherwise payable to a patron on a wager of $1.00.~~

~~(4) Payoff prices of tickets of a higher denomination shall be calculated as even multiples of the payoff price for a $1.00 wager. An association shall distribute to the persons holding winning tickets, at a minimum, a sum not less than $1.10 calculated on the basis of each $1.00 deposited in a pool.~~

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 ~~Messenger betting~~**Rescinded**.

~~Rule 2040. A person shall not participate in or be a party to any act or transaction relative to the placing of a wager or carrying a wager for placement outside of a race meeting grounds. A person shall not provide messenger service for the placing of a bet for another person who is not a patron.~~

R 431.2045 ~~On-track messengers~~**Rescinded**.

~~Rule 2045. An association may employ messengers for the purpose of carrying bets for patrons or for purchasing or cashing pari-mutuel tickets under the following conditions:~~

~~(a) A detailed plan for the employment of such messengers shall be submitted to the racing commissioner not less than 45 days before the start of the race meeting and shall be approved by the racing commissioner.~~

~~(b) Any increased auditing cost incurred by the state of Michigan as a result of such messenger service shall be paid by the association, and payment shall be made within 30 days following the conclusion of the race meeting.~~

~~(c) All messengers to be employed in such an approved messenger service shall be listed by name in the messenger service plan. Messengers shall wear distinctive uniforms and shall record the purchase and cashing of pari-mutuel tickets.~~

~~(d) Messengers will be required to purchase tickets only from certain specified pari-mutuel machines which are not in service for sales to the general public. Receipt books and other records in connection with such messenger service shall at all times be available to the auditors representing the state. The association shall retain the details of all transactions and make them available for examination by the auditors.~~

~~(e) Any overages resulting from such messenger service shall be turned in to the state board of escheats with records of outstanding tickets following the race meeting at which such overages occurred. Any shortages resulting from such messenger service shall be paid from the funds of the racing association.~~

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,** ~~T~~**t**he ~~commissioner~~**stewards** may cancel place ~~and/or~~ **or** show wagering**, or both, at their discretion**~~in extraordinary circumstances. Wagering interests in stake races shall be regulated by the stewards. Pari-mutuel tickets shall be sold accordingly~~.

(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 ~~will~~ **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) Trifecta wagering shall not be scheduled on a race unless at least 6 separate betting interests are programmed. In the event of a scratch, trifecta wagering on a race in which 5 separate betting interests remain is permissible.~~ (**1**~~2~~) There shall be no trifecta wagering on any race with less than 5 separate betting interests.

(**2**~~3~~) Perfecta ~~or quinella~~ wagering shall not be scheduled on a race unless ~~at least~~ **not less than** 5 separate betting interests are programmed. In the event of a late scratch, perfecta ~~or quinella~~ wagering on a race in which 4 separate betting interests remain is permitted if perfecta ~~or quinella~~ wagering on that particular race had commenced before the late scratch.

(**34**) There shall be no perfecta ~~or quinella~~ 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. ~~(1)~~ 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**.

~~(2) A refund of money wagered on a race or a horse pursuant to these rules shall not be made unless authentic tickets are presented and surrendered.~~

R 431.2061 ~~Simulcast purse pool distribution~~**Rescinded**.

~~Rule 2061. (1) The commissioner shall annually issue a simulcast purse pool distribution order in accordance with sections 2(k), 3, and 19 of the act.~~

~~(2) For purposes of simulcast purse pool distribution under section 19 (1) (a) and (b) of the act, all of the following provisions apply:~~

~~(a) "Thoroughbred simulcasts", "thoroughbred handle," and "thoroughbred purse pools" include handle in Michigan from regulated pari-mutuel races where jockeys ride horses as defined by R 431.1010 (e) and the act.~~

~~(b) "Standardbred simulcasts", "standardbred handle," and "standardbred purse pools" include handle in Michigan from regulated pari-mutuel races where drivers drive horses in harness, as defined by R 431.1005(e) and the act.~~

~~(c) Any revenues or wagering generated or occurring at a location receiving audio or visual transmissions of any race are the handle of that location and not the handle of the licensee sending or in control of sending the transmissions.~~

~~(3) Each year, all certified horsemen organizations may receive an amount approved by order of the commissioner from the simulcast purse pool to use for general expenses. If, by February 15 of each year, all certified horsemen organizations agree to the amount that each organization is to receive then these amounts shall become the order of the commissioner, provided that the amount for each certified horsemen's organization does not exceed 1.5% of the simulcast purse pool.~~

~~(4) The commissioner may audit purse pool accounts and expenditures and request and receive a full accounting of purse pool accounts.~~

~~(5) Any organization or person unlawfully interfering with the implementation or enforcement of a distribution order issued under this rule shall be subject to sanctions. Those sanctions may include, but are not limited to, the revocation or suspension of a license or horsemen organization's certification, or both, granted under the act.~~

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**~~the~~ state ~~of Michigan~~ without written permission of the ~~racing commissioner~~**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 ~~will~~**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**~~Daily~~ double pool**,** ~~. The~~ **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** ~~race,"~~ 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** ~~race,"~~ 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 ~~Quinella~~**Rescinded**.

~~Rule 2080. (1) The quinella is a contract by the purchaser of a ticket to select the first 2 horses to finish in the race. The order in which the horses finish is immaterial. All tickets on the quinella will be calculated in an entirely separate pool.~~

~~(2) Quinella pool. The amount wagered on the winning combination, such being the first 2 finishers irrespective of which horse finishes first and which horse finishes second, 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 quinella combination. Payoff includes the amount wagered and profit thereon. In addition, the following provisions apply to quinella pools:~~

~~(a) If there is a dead heat for first between horses involving 2 different betting interests, the net quinella pool is distributed as if no dead heat occurred. If there is a dead heat between horses involving 3 different betting interests, the net quinella pool is distributed as if a show pool and is allocated to wagers combining any of the 3 horses finishing in a dead heat for first.~~

~~(b) If there is a dead heat for second between horses involving 2 different betting interests, the net quinella pool is distributed as if a place pool and is allocated to wagers combining the first finisher with either horse finishing in a dead heat for second. If the dead heat is between horses involving 3 different betting interests, the net quinella pool is distributed as if a show pool and is allocated to wagers combining the first horse with each of the 3 horses finishing in a dead heat for second.~~

~~(c) If horses representing a single betting interest finish first and second, the net quinella pool shall be allocated to wagers combining such single betting interest with the horse or betting interest which finishes third.~~

~~(d) If no quinella ticket is sold combining the first finisher with 1 of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the first finisher with the other horse finishing in a dead heat for second.~~

~~(e) If no quinella ticket is sold combining the first finisher with either of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the 2 horses which finished in the dead heat for second.~~

~~(f) If no quinella ticket is sold combining the first finisher with either of the horses finishing in a dead heat for second, or combining the 2 horses which finished in a dead heat for second, then the net quinella pool is distributed as if a show pool and is allocated to wagers combining any of the first 3 finishers with any other horses.~~

~~(g) If no quinella ticket is sold combining the first 2 finishers, then the net quinella pool shall be distributed as if a place pool and is allocated to wagers combining the first finisher with any other horses and to wagers combining the second finisher with any other horse.~~

~~(h) If no quinella ticket is sold combining horses or betting interests as would require distribution, then the entire quinella pool shall be refunded upon presentation and surrender of quinella tickets thereon.~~

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 ~~will~~ **must** be calculated as an entirely separate pool.

(2) **With respect to a** ~~Trifecta~~**trifecta** pool**.** ~~.The~~**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 ~~will~~ **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 ~~nonstarter~~**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 ~~Triple Crown~~**Rescinded**.

~~Rule 2095. (1) The triple crown is a contract by the purchaser of a ticket combining 3 horses, 1 in each of 3 consecutive races, as may be designated by the track licensee with approval of the commissioner, with the bettor selecting the horses that will finish first in each race. 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) Triple crown has no connection with, or relation to, the win, place, and show betting pools and shall be calculated as an entirely separate pool. Triple crown tickets shall be labeled as triple crown tickets.~~

~~(3) If no ticket is sold combining the third winner, the net pool shall be distributed to the holders of tickets selecting the winners of the first 2 races of the triple crown.~~

~~(4) If no ticket is sold combining the winner of the second race with the winner of the first race of the triple crown, then the net pool shall be distributed to holders of winning tickets of the first race of the triple crown as a separate win pool.~~

~~(5) If no ticket is sold that would require distribution of the net triple crown pool as specified in sub rules (3) and (4) of this Rule, the net pool shall be apportioned equally to holders of tickets selecting the winning horse in either the second or third race of the designated Triple Crown races.~~

~~(6) If a horse is scratched or declared a nonstarter before the first race of the designated triple crown races, all tickets designating such horse shall be refunded and the money deducted from the gross pool.~~

~~(7) If a horse in the second race of the designated triple crown races is scratched after the first race of the designated triple crown races is declared official, then all tickets combining the scratched horse with the winner of the first race of the designated triple crown races shall become consolation tickets and shall be paid a price per dollar computed by dividing the net triple crown pool by the total purchase price of all tickets designating the winner of the first race of the triple crown, and the quotient obtained shall constitute the price to be paid to consolation ticket holders. The amount paid to all holders of a consolation ticket, and the breakage derived therefrom, shall be subtracted from the net pool.~~

~~(8) If a horse in the third race of the designated triple crown races is scratched after the first and second races of the designated triple crown have been declared official, then all tickets combining the scratched horse with the winners of the first race and second race of the designated triple crown races shall become consolation tickets and shall be paid a price per dollar computed by dividing the net triple crown~~

~~pool by the total purchase price of all tickets designating the winners of the first and second races of the triple crown, and the quotient obtained shall constitute the price per dollar to be paid to consolation ticket holders, and the breakage derived therefrom shall be subtracted from the net pool.~~

~~(9) If there is a dead heat to win in either the first, second, or third race of the designated triple crown races, the tickets selecting the 3 winners of the triple crown races, counting both horses which finished in the dead heat to win as winners, shall be paid a price per dollar computed by deducting the total amount wagered on the 2 winning combinations from the total net pool and dividing the remainder into 2 equal parts. The amount wagered on each of the 2 winning combinations shall, as in a place pool calculation, be divided separately into shares of the net pool, and the price per dollar derived shall constitute the price per dollar payoff for each winning combination. If 1 combination has no winning ticket sold, then the holders of the other winning combinations shall, as in a win pool calculation, divide the net pool.~~

~~(10) If there is a dead heat to win in 2 separate races or all 3 races of the designated triple crown races or a triple dead heat in any of the designated triple crown races, all tickets selecting the 3 winners of the triple crown races, counting all horses who finish in the dead heats to win or, in the triple dead heat, as winners, shall be paid a price per dollar computed by dividing the total number of all winning combinations, as in a win pool calculation, into the net pool, and the prices per dollar derived shall constitute the per dollar payoff, with all holders of winning combinations receiving the same payoff price.~~

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 ~~Special sweepstakes~~**Rescinded**.

~~Rule 2100. (1) The special sweepstakes pari-mutuel pool is not a parlay and has no connection with, or relation to, any other pari-mutuel pool conducted by the association; any win, place, and show pool; or to the rules governing the distribution of other pools.~~

~~(2) A valid special sweepstakes ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the ticket shall constitute an acceptance of special sweepstakes rules.~~

~~(3) A special sweepstakes may be given a distinctive name, to be selected by the association conducting such races, such as "pick six" or "super sweepstakes," subject to the approval of the racing commissioner.~~

~~(4) The special sweepstakes pari-mutuel pool consists of amounts contributed for a selection for win only in each of 6 races (legs) designated by the association with the approval of the racing commissioner. Each person purchasing a special sweepstakes ticket shall designate the winning horse in each of the 6 races comprising the special sweepstakes.~~

~~(5) A special sweepstakes shall be operated at regular intervals during the race meeting in accordance with a schedule prepared in advance by the association and approved by the racing commissioner. The schedule shall be attached to the association's application to operate a special sweepstakes and shall be published in the association's daily race program for each racing card of the race meeting that the wager is operated. The schedule shall not be altered without the approval of the racing commissioner. There shall be a mandatory distribution day as established in advance by the association and approved by the racing commissioner. Not more than 1 special sweepstakes shall be held during 1 racing card.~~

~~(6) After betting has started or closed on the special sweepstakes, other horses which are also eligible to enter a race shall not be entered in any race on which the wager is being held.~~

~~(7) An association shall sell special sweepstakes tickets in any denomination, with a minimum of $2.00.~~

~~(8) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the special sweepstakes shall race as a single wagering interest for the purpose of the special sweepstakes pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the super sweepstakes calculation, and the pari-mutuel ticket shall not be withdrawn from the pool.~~

~~(9) Every association that operates a special sweepstakes shall give to the state auditor a computer printout described in subdivision (a), (b), (c), or (d) of this subrule, as circumstances require, and at such other times and in formats as required by the state auditor. The following provisions apply to such printout:~~

~~(a) The printout required at the close of betting shall show all of the following information:~~

~~(i) The total amount bet on that pool on the current day racing card.~~

~~(ii) Where applicable, each individual net pool carried over from previous days that is to be added to the current day net pool pursuant to subrule (10)(b) of this rule.~~

~~(iii) The total net pool established by adding all net pools described in paragraphs (i) and (ii) of this subdivision.~~

(b) The printout required immediately following the official results of the race on which the first leg is operated shall show any of the following:

(i) The total dollars bet coupling each horse in the first leg with each individual combination of horses in the remaining 5 legs.

(ii) The total dollars bet coupling the winner of the first leg with each individual combination of horses in the remaining 5 legs.

(iii) When applicable, a statement that tickets described in paragraph (i) of this subdivision have not been sold.

(c) Where an association chooses to provide a computer printout described in subdivision (b) (ii) of this subrule and no tickets have been sold on the winner of the first leg, a printout shall be provided immediately after the official results of the applicable race and shall show the total dollars bet coupling the winner of either the second leg or the next subsequent leg on which a ticket has been sold coupling the winner of that race with each individual combination of horses in the preceding and remaining legs.

(d) On a racing day designated for mandatory distribution where no tickets are sold coupling the horses finishing first in the official order of finish in every leg of the special sweepstakes, the racing commissioner may require the association to provide a computer printout, as described in subdivision(b) (i) of this subrule, within 24 hours of such distribution.

(10) The following provisions apply to a special sweepstakes pool:

(a) Every special sweepstakes pool shall be distributed when 1 or more tickets are sold coupling the horses finishing first in every leg of the special sweepstakes.

(b) Where no tickets are sold coupling the winners of all legs of the special sweepstakes, the net pool shall, except as provided by subrule (13) of this rule and subdivision (c) of this subrule, be carried over and added to the net pool of the next scheduled special sweepstakes operated by the association.

(c) The association, with the approval of the racing commissioner, may elect to pay out a percentage of each day's special sweepstakes net pool to those selecting the winners of the most legs if no tickets were sold selecting the winners of all 6 legs of the special sweepstakes. The remaining balance of the net pool for that day would then be carried over and added to all other net pools that have been previously carried over. This provision does not apply on mandatory payout days.

(11) The payout price for a special sweepstakes shall be calculated in the following manner:

(a) The legal percentages shall be deducted from the total amount bet in the pool to determine the net pool.

(b) The net pool shall be divided by the value of the tickets bet on the winning combination.

(c) The quotient obtained pursuant to subdivision (b) of this subrule shall be multiplied by the purchase price of each ticket.

(12) If, before the close of betting on the special sweepstakes, a horse that is not part of an entry or mutuel field is scratched or a horse is scratched that is part of an entry or a mutuel field and no other horses remain in the entry or mutuel field, the money wagered on that horse shall be deducted from the pool and refunded after the last leg of the special sweepstakes has been declared official.

(13) If, after the close of betting on the special sweepstakes and subject to subrule (14) of this rule, any money wagered on any horse in any leg of the special sweepstakes feature that is not part of an entry or mutuel field and is scratched; is part of an entry or mutuel field, is scratched, and no other horses remain in that entry or mutuel field; or is determined by the stewards not to be a starter and is coupled with the winners of all other legs shall be deducted from the pool established that day and refunded to the purchaser.

(14) Where a mandatory distribution is carried out in accordance with subrule (15) (c) of this rule or an optional daily distribution is carried out in accordance with subrule (15) (c) of this rule, based on

most winners, any tickets participating in the distribution of the special sweepstakes pool shall not receive a refund.

(15) The following provisions apply to the mandatory distribution of a special sweepstakes pool:

(a) Every association shall make a mandatory distribution of the special sweepstakes pool as follows:

(i) On the racing day as designated for mandatory distribution pursuant to subrule (5) of this rule.

(ii) On the last scheduled special sweepstakes to be operated during the race meeting.

(iii) On a racing card where 3 or more legs of the special sweepstakes are cancelled, declared off, declared no contest, or postponed.

(b) Subject to subrule (16) (b) of this rule, the pool for mandatory distribution shall be comprised of the net pool established on that racing card, to which shall be added all net pools carried over pursuant to subrule (10) (b) of this rule to establish a total net pool.

(c) The payout price shall be determined in accordance with subrule (11) (b) of this rule, except that where no tickets are sold coupling the horse finishing first in every leg of the feature, the net pool shall be divided by the value of tickets bet coupling the most winners.

(16) The following provisions apply to special sweepstakes in which races are cancelled, declared off, declared no contest, or postponed:

(a) Where any race designated as a leg of the special sweepstakes is cancelled, declared off, declared no contest, or postponed, all horses in that leg shall be considered winners for the purpose of distributing the special sweepstakes pool.

(b) When 3 or more legs of a special sweepstakes are cancelled, declared off, declared no contest, or postponed, both of the following provisions apply:

(i) The net pool, exclusive of any net pool carry-over from a previous special sweepstakes, shall be distributed in accordance with subrule (15) (c) of this rule.

(ii) Any net pool carry-over accrued from a previous special sweepstakes shall be further carried over to the next scheduled special sweepstakes pool.

(17) All horses in a dead heat to win in a race designated as a leg of the special sweepstakes shall be considered as winning horses for the purpose of distributing the special sweepstakes pool.

(18) Subject to subrule (19) of this rule, a special sweepstakes pool shall not be refunded by an association, except in either of the following situations:

(a) The mutuel manager and the state auditor determine, to their satisfaction, that the correct number of winning tickets or the total number of tickets sold cannot be properly established.

(b) All 6 legs are cancelled, declared off, declared no contest, or postponed.

(19) Where the circumstances described in subrule (18) (a) or (b) of this rule occur, the refund shall apply only to the pool established on that racing card and, where applicable, any net pool carry-over accrued from a previous special sweepstakes shall be further carried over to the next scheduled special sweepstakes operated by the association.

(20) When for any reason a special sweepstakes pool remains undistributed and no further special sweepstakes pools are scheduled, the association shall do all of the following:

(a) Deposit the undistributed net pool in an escrow account, designated as the special sweepstakes carry-over account, until a special sweepstakes can be scheduled and distributed in accordance with subdivision (d) of this subrul.

(b) With the approval of the racing commissioner, schedule a special sweepstakes for the next racing card.

(c) Add the undistributed net pool, including all accrued interest, to the net pool of the special sweepstakes scheduled in accordance with subdivision (b) of this subrule.

(d) Distribute the special sweepstakes pool on that scheduled racing card in accordance with subrule (15) of this rule.

~~(21) A person shall not disclose the number of tickets sold in the special sweepstakes pool or the number or amount of tickets selecting winners of special sweepstakes races before the stewards have determined the last race comprising the special sweepstakes each day to be official.~~

~~(22) A pari-mutuel ticket for the special sweepstakes pool shall not be sold, exchanged, or cancelled after the closing of wagering in the first of the 6 races comprising the special sweepstakes, except for such refunds on special sweepstakes pari-mutuel tickets as required by this rule.~~

R 431.2105 ~~Optional twin double~~**Rescinded**.

~~Rule 2105. (1) The optional twin double is a form of pari-mutuel wagering. Each bettor has the option to do either of the following:~~

~~(a) Attempt to select the winners of each of 4 races as may be designated by the licensee with the approval of the commissioner.~~

~~(b) After successfully selecting the first 2 winners of the designated races, present the winning tickets for payment.~~

~~(2) A bettor who wishes to participate in the optional twin double purchases an initial ticket which designates his or her selections in the first and second optional twin double races. If both selections win, the bettor may either exchange the winning initial ticket for an exchange~~ ~~ticket, at no further cost, which designates the bettor's selections in the third and fourth optional twin double races or the winning initial ticket may be presented for payment. Winning initial tickets presented for payment shall be paid at a price per dollar denomination determined as follows:~~

~~(a) The net optional twin double pool, which is the gross optional twin double pool less commission and any consolation payoffs, shall be divided by the total purchase price of all winning initial tickets. The quotient obtained shall constitute the price to be paid.~~

~~(b) The total amount paid to ticket holders electing the option of payment of winning initial tickets shall be deducted from the net optional twin double pool, and further participation of such tickets in the optional twin double pool shall terminate. Also, the total amount represented by any winning initial tickets which are not exchanged or presented for payment before the start of the third optional twin double race shall be deducted from the net optional twin double pool and entered in the outs book in the same manner as any other uncashed winning ticket and shall be valid for the period specified by statute. The balance of the optional twin double pool shall be divided among holders of exchange tickets, combining the winners of the third and fourth optional twin double races, as in a straight pool.~~

~~(3) The optional twin double pool shall be held entirely separate from all other pools and is in no way part of the daily double. Inasmuch as the purpose of the optional twin double pool is to select the winners of all 4 races of the optional twin double, or to exercise the option as previously stated, a bettor who selects a horse which starts but does not win is no longer eligible, subject only to the contingency that no other bettor in the pool has selected the winner of that race, as referred to in subrule (15) of this rule.~~

~~(4) Sales of initial tickets shall be in denominations of $2.00 or more, shall commence only after completion of the first race of the regular program, and shall terminate at the start of the first optional twin double race, when the machines shall be locked.~~

~~(5) Exchange tickets shall be issued only in exchange for winning initial tickets. Issuance of exchange tickets shall commence only after the results of the second optional twin double race are officially announced and shall be terminated at the start of the third optional twin double race, when the machines shall be locked. Such period of time is hereinafter referred to as "the exchange period."~~

~~(6) At the option of the bettor, winning initial tickets, that is, tickets combining the winners of the first and second optional twin double races, may be presented for payment after the result of the second optional twin double race is officially announced.~~

~~(7) If an incorrect exchange ticket is issued, such incorrect exchange ticket shall be turned in to the state chief auditor before the running of the second half. The ticket shall be deducted from both the exchange and individual combination totals. The ticket shall be voided and filed with the performance worksheets, and a report of the complete incident, which includes the seller's name, shall be made to the commissioner.~~

~~(8) The probable payoff prices of possible winning combinations shall be posted after the third optional twin double race.~~

~~(9) The design of initial tickets and exchange tickets shall be clearly and immediately distinguishable from each other and from daily double and other pari-mutuel tickets.~~

~~(10) After a horse is scratched, no further tickets shall be issued designating such horse.~~

~~(11) If a horse or horses not coupled with a starter are scratched from the first or second optional twin double races before the running of the first optional twin double race, all initial tickets selecting the horse or horses scratched shall be refunded, the money shall be deducted from the gross pool, and the first optional twin double race shall not be started within 3 minutes of the public announcement of such scratch.~~

~~(12) If any horse or horses not coupled with a starter are scratched or declared nonstarters in the second optional twin double race after the first optional twin double race has been run, all tickets combining the scratched horse with the winner of the first optional twin double race shall become consolation tickets and shall be paid a price per dollar denomination determined by dividing the net optional twin double pool, that is, the gross optional twin double pool less tax, by the total purchase price of all initial tickets designating the winner of the first optional twin double race, and the quotient obtained shall constitute the price to be paid. Further participation of such consolation tickets in the optional twin double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net optional twin double pool.~~

~~(13) If any horse or horses not coupled with a starter are scratched or declared nonstarters in the third optional twin double race, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination determined by dividing the net optional twin double pool, that is, the gross optional twin double pool less commission and all prior distributions, by the total purchase price represented by all exchange tickets, and the quotient obtained shall be the price to be paid. Further participation of such consolation tickets in the optional twin double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net optional twin double pool. When a horse is scratched from the third optional twin double race, such race shall not be started within 3 minutes of the announcement of such scratch.~~

~~(14) If any horse or horses not coupled with a starter are scratched or declared nonstarters in the fourth optional twin double race, all exchange tickets combining the scratched horses with the winner of the third optional twin double race shall become consolation tickets and shall be paid a price per dollar denomination determined by dividing the net optional twin double pool, that is, the gross optional twin double pool less commission and previous consolation awards, by the total purchase price represented by all exchange tickets designating the winner of the third optional twin double race, and the quotient obtained shall constitute the price to be paid. Further participation of such consolation tickets in the optional twin double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net optional twin double pool. When a horse is scratched from the fourth optional twin double race before the start of the third optional twin double race, the third optional twin double race shall not be started within 3 minutes of the announcement of such scratch.~~

~~(15) If no initial ticket is sold designating the winner of the first optional twin double race, or if the first optional twin double race is cancelled or declared "no race," the optional twin double shall be declared off and the gross pool shall be refunded.~~

~~(16) If no initial ticket is sold combining the winners of the first and second optional twin double races, or if the second optional twin double race is cancelled or declared "no race," the net pool shall be distributed to holders of initial tickets designating the winner of the first optional twin double race as in a straight pool and the optional twin double shall terminate.~~

~~(17) If no exchange ticket is issued designating the winner of the third optional twin double race, or if the third optional twin double race is cancelled or declared "no race," the net pool, less commission and prior distributions, shall be distributed to holders of exchange tickets and winning initial tickets as in a straight pool and the optional twin double shall terminate.~~

~~(18) If no exchange ticket is issued combining the winners of the third and fourth optional twin double races, or if the fourth optional twin double race is cancelled or declared "no race," the net pool shall be distributed to holders of exchange tickets designating the winner of the third optional twin double race.~~

~~(19) If there is a dead heat in either or both of the first and second optional twin double races, all initial tickets combining a winner in both such races shall be eligible for exchange.~~

~~(20) If there is a dead heat in the third optional twin double race and no exchange ticket combines the winner of the fourth optional twin double race with a winner of the third optional twin double race, the net pool shall be distributed to holders of exchange tickets designating a winner of the third optional twin double race as in a straight pool dead heat.~~

~~(21) If there is a dead heat in either or both of the third or fourth optional twin double races, holders of exchange tickets combining winners in both such races shall be entitled to a distribution calculated as in a straight pool dead heat.~~

~~(22) If there is a dead heat between a covered and an uncovered horse in the second race of the second half of the optional twin double, no consolation payoff will be made. Holders of tickets on the covered horse, representing the only winners of 4 consecutive races, will share in the distribution of the optional twin double pool.~~

~~(23) Coupled entries and fields are permitted in optional twin double races. A scratch of less than all the horses in a coupled entry or field, however, shall not affect the status of a ticket selecting such coupled entry or field. Horses coupled or in a field shall be considered as 1 horse for optional twin double distributions, and calculations on dead heats shall include only 1 of such horses in each coupled entry or field in the distribution.~~

~~(24) The sale of optional twin double tickets by 1 individual to another or by any means other than through pari-mutuel machines shall be deemed illegal gambling and is prohibited.~~

~~(25) These rules shall be prominently displayed throughout the betting area of each track conducting the optional twin double, and printed copies of these rules shall be distributed by the track to patrons upon request.~~

R 431.2110 ~~Big perfecta~~**Rescinded**.

~~Rule 2110. (1) The big perfecta, also known as big exacta or big correcta, is a form of pari-mutuel wagering in which the bettor selects 4 horses that will finish first and second in each of 2 races, as may be designated by the track licensee with the approval of the commissioner, in the exact order as officially posted.~~

~~(2) Each bettor purchasing big perfecta tickets shall designate his or her 2 selections as the first 2 horses to finish in that order in the first race of the 2 designated races.~~

~~(3) After official declaration of the first 2 horses to finish in the first race of the big perfecta, and before the running of the second half of the big perfecta, each bettor holding a ticket combining the first 2 horses in the exact order of finish shall exchange such winning ticket for a big perfecta exchange ticket at the big perfecta windows and shall select the 2 horses to finish in the second race of the big~~

perfecta in the exact order as officially posted. No additional money shall be required of the holder of the ticket in order to make the exchange.

(4) A big perfecta exchange ticket on the second race shall not be issued except upon surrender of the big perfecta ticket from the first race. The big perfecta pool obtained from the sales of big perfecta tickets on the first race shall be held pursuant to these rules and divided among the winning tickets of the big perfecta exchange tickets, unless otherwise provided by these rules. Big perfecta windows shall be open for the purpose of making the exchange as specified in subrule (3) of this rule only after the first race has been declared official. Big perfecta windows shall close at official post time at the start of the second race of the big perfecta races.

(5) If a winning big perfecta from the first race is not presented for exchange within the time provided, the bettor forfeits all rights to any distribution or refund, except if the second half of the big perfecta is cancelled or declared "no race" or if no exchange ticket includes either the first or second horse of the second half of the big perfecta.

(6) If there are late scratches after the sale of big perfecta tickets has started in the first race, all tickets on the scratched horse will be refunded.

(7) If a horse is scratched in the second half of the big perfecta, all exchange tickets combining the scratched horse become consolation tickets and shall be paid a price per dollar denomination calculated by dividing the net big perfecta pool, that is, the gross pool less commission, by the total purchase price of all tickets combining the winners of the first race of the big perfecta. The quotient obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second half of the big perfecta. The entire consolation pool, that is, the number of eligible tickets times the consolation price, plus the breakage, shall be deducted from the big perfecta pool.

(8) If no big perfecta ticket is sold as a winning combination in the first race of the big perfecta, the big perfecta pool shall be divided among those having tickets including the horse finishing first or second, and such distributions shall be calculated and paid as a place pool. In such an instance, the big perfecta shall end and the pool shall be closed for the day.

(9) If no big perfecta exchange ticket is sold on the winning combination, the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(10) If no big perfecta exchange ticket is sold including the horse finishing second, then the pool shall be distributed as a win pool to those persons who have selected the horse which finished first to run first.

(11) If no big perfecta exchange ticket is sold including the horse finishing first, then the pool shall be distributed as a win pool to those persons who have selected the horse which finished second to run second.

(12) If no exchange ticket includes either the first or second horse of the second half of the big perfecta, the entire net pool shall be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.

(13) If there is a dead heat for place in the first race of the big perfecta, all big perfecta tickets combining the first horse and either of the place horses shall be eligible for exchange for the big perfecta exchange tickets.

(14) If there is a dead heat for place in the second race of the big perfecta, the big perfecta pool shall be divided, calculated, and distributed as a place pool and distributed to the holders of the big perfecta exchange tickets combining the first horse and either of the place horses. If there is a dead heat to place and there are no tickets sold on 1 combination, the other combination having the winning horses shall be declared the winner. If no exchange tickets combine the winning horse with either of

~~the place horses in the dead heat, the big perfecta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.~~

~~(15) If for any reason the second race of the big perfecta is cancelled or declared "no race," the pool shall be calculated as a straight pool and shall be distributed among the holders of the tickets combining the first 2 horses of the first race of the big perfecta and holders of the big perfecta exchange tickets.~~

~~(16) If an entry finishes first and second or field horses run first and second, the net big perfecta pool shall be distributed to holders of tickets selecting the entry or field horses to win combined with the horse finishing third.~~

~~(17) If an entry or field horses finishes first and second in the first half of the big perfecta, holders of tickets selecting the entry or field horses to win combined with the horse finishing third shall be eligible to exchange tickets for the second half of the big perfecta.~~

~~(18) If an entry or field horse's finish first and second in the second half of the big perfecta, the net big perfecta pool shall be distributed to holders of tickets selecting the entry or field horses to win combined with the horse finishing third.~~

~~(19) The sale of big perfecta tickets other than through pari-mutuel machines shall be deemed illegal and is prohibited.~~

~~(20) There shall not be an exchange of tickets when all 4 selections in the big perfecta are printed on a single ticket.~~

R 431.2115 ~~Big Q~~**Rescinded**.

~~Rule 2115. (1) The big Q is a form of pari-mutuel wagering consisting of selecting the quinella or the first 2 horses to finish in each of 2 consecutive races. Pari-mutuel wagering tickets shall be sold upon the first race of the 2 races only. The division of the pool shall be calculated as in a straight pool, subject to the provisions of these rules.~~

~~(2) A bettor purchasing big Q tickets shall designate his or her 2 selections as the first 2 horses to finish in the first race of 2 races.~~

~~(3) After the official declaration of the first 2 horses to finish the first of the big Q races, a bettor holding a ticket combining the 2 horses to finish shall exchange such winning ticket for a big Q exchange ticket at the big Q windows before the running of the second race. At that time, the holder shall select the first 2 horses to finish in the second race of the big Q. Additional money shall not be required of the ticket holder for the exchange.~~

~~(4) A big Q exchange ticket upon the second race shall not be issued except upon the surrender of the big Q ticket from the first race as provided in this rule. The big Q pool obtained from sales of big Q tickets upon the first race shall be held and divided among the winning tickets of the big Q exchange tickets, subject to these rules. Big Q windows shall be open for the purpose of making the exchange only after the first race has been declared official. The windows shall close at post time at the start of the second race of the big Q races.~~

~~(5) If a winning big Q ticket from the first race is not presented for exchange within the time provided, the bettor forfeits all rights to any distribution or refund, unless the second half of the big Q is cancelled or declared "no race" or if no exchange tickets include either the first or second horse of the second half of the big Q.~~

~~(6) If a horse is scratched in the first race of the big Q races, all big Q tickets on the scratched horse shall be refunded.~~

~~(7) If a horse is scratched in the second race of the big Q races, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated by dividing the net big Q pool, that is, the gross pool less commission, by the total purchase price of all tickets combining the winnings of the first race of the big Q. The quotient thus~~

~~obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the big Q. The entire consolation pool, that is, the number of eligible tickets times the consolation price, plus the breakage, shall be deducted from the net big Q pool.~~

~~(8) If a big Q ticket is not sold on a winning combination in the first race of the big Q, the big Q pool shall be divided among those having tickets including the horse finishing first or second, and the distributions shall be calculated and made as a place pool. The big Q race shall then end and the pool shall be closed for the day.~~

~~(9) If a big Q exchange ticket is not sold on the winning combination, the net pool shall be apportioned equally between those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.~~

~~(10) If a big Q exchange ticket combines only 1 of the 2 winners and no big Q exchange combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.~~

~~(11) If no exchange ticket includes either the first or second horse of the second half of the big Q, the entire net pool shall be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.~~

~~(12) If there is a dead heat for place in the first race of the big Q races, all big Q tickets combining the first horse and either of the place horses shall be eligible for exchange for big Q exchange tickets.~~

~~(13) If there is a dead heat for place in the second race of the big Q races, the big Q pool shall be divided, calculated, and distributed as a place pool. Distribution shall be to the holders of the big Q exchange tickets combining the first horses and either of the place horses. If there is a dead heat to place and there are no tickets sold on 1 combination, then the other combination having winning horses shall be declared the winner.~~

~~(14) If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the big Q pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses. If any exchange tickets combine both horses in the dead heat for place, the big Q pool shall be calculated and distributed as a place pool to holders of these tickets.~~

~~(15) If for any reason the first race of the big Q races is cancelled or declared "no race," a full refund shall be made from the big Q pool.~~

~~(16) If for any reason the second of the big Q races is cancelled or declared "no race," the pool shall be calculated as a straight pool and distributed among the holders of tickets combining the first 2 horses of the first race of the big Q and to holders of the big Q exchange tickets.~~

~~(17) If there is a dead heat for the winning horses in either of the 2 consecutive races for the big Q, the calculation and distribution of the big Q pool shall be made in the manner in which any ordinary quinella pool would be made if there were a dead heat for the win, despite the number of horses involved in the dead heat.~~

~~(18) The sale of big Q tickets other than through pari-mutuel machines, including the sale by 1 individual to another, is prohibited.~~

~~(19) There shall not be an exchange of tickets when all 4 selections in the big Q are printed on a single ticket.~~

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** ~~track licensee~~ with the approval of the ~~commissioner~~**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, ~~that is~~ added by the association to stakes fees paid by subscribers to form the total purse for a stakes race.

~~(b) "Age" means the number of years since a horse was foaled. Age is determined as if such horse were foaled on January 1 of the year in which such horse was foaled.~~

(~~c~~**b**) "Breeder" means the owner of the dam of a horse ~~at the time~~**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.

~~(d) "Claiming race" means a race in which a horse may be claimed pursuant to the rules of the commissioner.~~

(~~e~~**c**) "Closing" means the time designated when all entries in a race must be and remain in the race, unless excused by the stewards.

(~~f~~**d**) "Declaration" means the withdrawal of a horse that was entered in a race before time of closing.

~~(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 of the racing commissioner.~~

(~~h~~**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) ~~Whip~~**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.
(~~i~~**f**) "Exhibition race" means a race between horses of diverse ownership for which a purse is offered ~~by the racing association~~ but on which pari-mutuel wagering is not permitted.

R 431.3005 Definitions; H to ~~N~~**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**~~a thoroughbred~~ registered as such with **the appropriate breed registry**~~Jockey Club~~ 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) "Jockey" means a rider who is currently licensed to ride in races, whether as a journeyman or apprentice, or a probationer, who may be permitted by the stewards to ride in 2 races before applying for a license.~~
(~~e~~**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.
~~(f) "Match race" means a race between 2 horses which are the property of 2 different owners on terms agreed to by the owners.~~
~~(g) "Nominator" means the person in whose name a horse is nominated for a sweepstakes, futurity, or produce race.~~

R 431.3010 Definitions; ~~0~~**O** to **S**~~R~~.
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) "Overnight race" means a race for which the entries close 72 hours or less, exclusive of Sundays, before the time set for the first race of the day on which such race is to be run.~~
~~(c) "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 and shall not exceed more than four individuals per single horse.~~
(~~d~~**b**) "Produce race" or "futurity" means a race that is to be contested by the produce of horses which are named or identified before the closing time of nominations.
(~~e~~**c**) "Purse race" means a race for money or another prize to which the owners of horses engaged do not contribute.
~~(f) "Race" means a contest of speed among thoroughbreds for a prize.~~
~~(g) "Race on the flat" means a race run over a course on which no jumps or other obstacles are placed.~~
~~(h) "Recognized meeting" means any meeting which has regularly scheduled races for thoroughbreds on the flat and which is licensed by, and conducted under rules promulgated by, a governmental regulatory body. A "recognized meeting" includes a meeting in a foreign country which is regulated by~~

~~a racing authority which has reciprocal relations with the Jockey Club and whose race records can be provided to an association by the Jockey Club.~~

(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 ~~Definitions; S, W~~**Rescinded**.

~~Rule 3015. As used in this part:~~

~~(a) "Scratch" means the withdrawal, pursuant to these rules, of a horse entered for a race after the time of closing.~~

~~(b) "Scratch time" means the time set by the racing secretary as a deadline for horsemen to indicate withdrawal of a horse entered from a race.~~

~~(c~~**a**~~)~~ "Stakes race" or "sweepstakes" means a race that closes more than 72 hours in advance of its running and for which owners or nominators, or both, of horses that are entered or engaged for the race contribute to a purse for which money or another prize may be added.

~~(d) "Starter" means a horse in front of which the stall doors of the starting gate open at the time the official starter dispatches the field.~~

~~(e) "Starter race" means an overnight event 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.~~

~~(f) "Weight for age" means standard weight according to the Jockey Club scale~~**.** ~~in R 431.3215.~~

~~(g) "Winner of a certain sum" means the winner of a single race worth the amount stated.~~

R 431.3020 ~~Race~~**Racing** officials.

Rule 3020. (1) The following positions at a race ~~meet~~ **meeting** are designated as officials:

(a) ~~Three s~~**S**tewards**.**

~~(b) Assistant steward.~~

(~~c~~**b**) ~~Three~~ **P~~p~~**lacing judges.

~~(d) Two or more patrol judges.~~

(~~e~~**c**) Clerk of scales.

(~~f~~**d**) Paddock judge.

(~~g~~**e**) Official starter.

(~~h~~**f**) Racing secretary~~, who may also be a handicapper~~.

(~~i~~**g**) Assistant racing secretary.

(~~j~~**h**) Timer.

(~~k~~**i**) ~~A veterinarian representing the office of the racing commissioner~~**Official veterinarian**.

~~(l) A veterinarian representing the racing association.~~

(~~m~~**j**) ~~A h~~**H**orse identifier.

(~~n~~**k**) ~~A j~~**J**ockey room custodian.

(2) In case of emergency, the association may **provide** ~~appoint~~ a substitute **steward**, with the approval of the **executive director**~~stewards~~, to act as the **steward** ~~association's official~~ 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.**~~A person shall not be allowed in the stewards' stand or placing judges' stand during the running of a race, except with the 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 person, other than a person employed in the developing or projection of visual recordings of a race, shall not be in the projection room while the stewards are viewing pictures to decide a foul claim or inquiry.~~

(~~6~~**5**) A racing official shall not be the owner or part owner of a horse racing at a track where the official is serving.

(~~7~~**6**) Racing officials serving in the capacity of steward, placing or patrol judges, clerk of scales, **official** starter, **or**~~and~~ horse identifier ~~shall~~**may be required to** take and satisfactorily pass an optical examination **at the request of the executive director**~~within 1 year before the race meeting at which they serve~~. The examination shall evidence a minimum corrected vision of 20/30 and an ability to distinguish colors correctly.

(~~8~~**7**) All **racing** officials, with the exception of those ~~appointed~~**representing** ~~by~~ the ~~racing commissioner~~**executive director**, shall be nominated by the association, subject to the approval of the ~~racing commissioner~~**executive director**. The ~~racing commissioner~~**executive director** reserves the right to demand a change of **racing** officials for what he or she ~~deems~~**considers** to be good and sufficient reason~~s~~. The successor of a~~n~~ **racing** official so replaced shall also be subject to the approval of the ~~racing commissioner~~**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 ~~R~~**r**ule infractions, whether reported or not, and investigating all instances of possible ~~R~~**r**ule infractions. They shall take action as they ~~deem~~**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 ~~racing commissioner~~**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 ~~R~~**r**ule the horse or person ineligible.

~~(f) Reviewing stall applications and advising the association of undesirable persons, if any, among owners and trainers applying for or granted stalls.~~

(~~g~~**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.

(~~h~~**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.

(~~i~~**h**) Maintaining a ~~daily log~~**stewards' report in the manner and form prescribed by the executive director** and reporting all actions of the stewards ~~on all controversies~~ **that** ~~which~~ arise during **a race**~~the~~ day. ~~The reports shall show all of the following information:~~

~~(i) The name of the track.~~

~~(ii) Date.~~

~~(iii) Weather.~~

~~(iv) Track condition.~~

~~(v) Claims.~~

~~(vi) Rulings issued. The reports shall be signed by all 3 stewards and filed with the racing commissioner's office.~~

(~~j~~**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** ~~patrol films or~~ ~~videotapes~~ 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 ~~racing commissioner~~**executive director**. Complaints made directly to the stewards shall be reported to the ~~racing commissioner~~**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~~, shall review the~~**and** films of the horse's previous races, and shall consider all other facts they ~~deem~~**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 ~~racing commissioner~~**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 ~~monies~~**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 ~~after consultation with the stewards~~, and maintaining a record of the arrival and departure of all horses stabled on ~~association~~ **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 ~~licensed~~ 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 ~~racing commissioner~~**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 ~~20~~**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,**~~Three~~ **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 ~~commissioner~~**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 ~~Patrol judges; duties~~**Rescinded**.

~~Rule 3050. (1) Not less than 2 racing officials shall serve as patrol judges and shall be stationed in elevated stands at points designated by the stewards to observe the running of each race. Each patrol judge shall have instant radio or telephone communication with the stewards to report observations, particularly as to any suspected foul riding, during the running of each race.~~

~~(2) Patrol judges shall report to the stewards all of their pertinent observations in each race and shall file written reports and be present at daily visual recordings shown to race riders, if so requested by the stewards.~~

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 ~~3~~**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) ~~Whip~~**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** ~~S~~**s**tarter; 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. ~~or may start such horse on the outside of the starting gate and 1 length behind the starting line.~~ 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 ~~track~~ **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 ~~racing secretary's~~ **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) A**n 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. A**n 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** ~~V~~**v**eterinarians; duties~~; recordkeeping~~.

Rule 3065. ~~(1) The racing commissioner's veterinarian shall have supervision over the taking of urine, blood, or other samples from the horses as may be directed by the stewards and shall be responsible for the proper storing and delivery thereof to the designated laboratory and for the maintenance of required records.~~

(**1**~~2~~) The ~~racing commissioner's~~**official** veterinarian ~~or his or her representative~~ shall examine horses the stewards request him or her to examine and reexamine. The ~~racing commissioner's~~**official** veterinarian is responsible for approving for release from the ~~stewards~~**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**~~3~~) A**n official** veterinarian ~~who is employed by the racing commissioner or by an association~~ shall not, during the period of his or her employment, for compensation or otherwise, treat or prescribe for a racing ~~thoroughbred~~ 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 a**n official** veterinarian ~~who is employed by the racing commissioner~~, either directly or indirectly, during the period for which **he or she** ~~the veterinarian~~ is so employed by the **executive director** ~~racing commissioner~~.

~~(4) A veterinarian who is licensed to practice on the grounds of a race meeting licensee shall maintain veterinary records, in duplicate, on forms prescribed by the commissioner, 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 stewards or their representatives on demand.~~

~~(5) A veterinarian shall report to the racing commissioner's veterinarian or to the stewards internal medication given by the 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 racing commissioner's 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 veterinarian to the stewards or their representatives 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 their representatives immediately and before treatment.~~

R 431.3070 Pre-race examination.

Rule 3070. (1) The ~~racing commissioner's~~ **official** veterinarian ~~or the association's veterinarian and assistants they require~~ 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 ~~racing commissioner's~~ **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 temperature~~ 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) ~~Either t~~**T**he ~~racing commissioner's~~ **official** veterinarian ~~or the veterinarian in the employ of the association~~ shall be in the paddock for inspection of the horses before a race. If, in the opinion of the ~~assigned~~ **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) ~~Either the racing commissioner's veterinarian or the association veternarian~~**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 ~~which~~ **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 ~~racing commissioner~~**executive director** shall employ a~~n~~ **steward as** ~~experienced~~ clocker. The clocker shall make a record of all morning workouts or any morning trials on the ~~main track~~ **race course of a race meeting** or training **center** ~~track~~ **race course**. ~~of the association.~~ A record of all workouts and trials **must be provided** ~~shall be presented~~ to the racing secretary ~~by the clocker.s and a copy shall be delivered to the stewards.~~

(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**~~5~~) The stewards may scratch a horse whose recent workouts have not been properly recorded ~~with the stewards' office~~.

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 ~~office of the Jockey Club~~ and unless the registration certificate or racing permit issued by the **breed registry**~~jockey club~~ 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**~~Jockey Club~~. If a

horse's name is changed by the ~~jockey club~~**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 ~~t~~**T**horoughbred ~~r~~**R**acing ~~p~~**P**rotective ~~b~~**B**ureau **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 ~~jockey club~~ **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 ~~Horses; denerving~~**Rescinded**.

~~Rule 3085. (1) A horse shall not be entered to race that has been denerved, neurectimized, desensitized, or anesthetized, at or above the ankle, by surgery, cryosurgery, chemical block, or any other means. A horse which has been subjected to any of the procedures stated in this subrule shall not be eligible to race, and any licensee in violation of this rule shall be subject to disciplinary action.~~

~~(2) A horse on which any neurectomy has been performed below the ankle will be permitted to race if such fact is designated on its registration certificate or racing permit.~~

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

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 ~~track~~ **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 ~~association~~ **the** grounds without notifying the stewards and~~,~~ unless released by the racing secretary. A dead or sick horse shall not be removed from **the** ~~association~~ grounds without the prior approval of the ~~racing commissioner's~~**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 ~~racing secretary's~~ **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 ~~serviceable,~~ 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) ~~hips and b~~**B**linkers 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) A whip that weighs more than 1 pound or is longer than 28 inches with 1 popper shall not be used. Stingers or projections extending through the hole of a popper or any metal part on a whip are prohibited. Indiscriminate or brutal use of a whip on a horse, in the sole discretion of the stewards, is prohibited.~~

(~~3~~**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**~~event~~, 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 ~~licensed~~ owner, as completely disclosed and registered with the racing secretary under these rules, and made by the owner, trainer, or the ~~licensed~~ authorized agent of the owner. ~~An authorized agent shall not be licensed to represent more than 2 owners, trainers, or racing interests at any one time~~.

(4) Any entry shall either be in writing, **by telephone,** or transmitted by **other electronic means as approved by the executive director**~~telegraph and confirmed in writing; except that an entry may be made by telephone to the racing secretary, but shall be confirmed in writing if the stewards or the racing secretary so requests~~.

(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** ~~in 2 races to be run~~ on the same day.

~~(8) An entry shall not be accepted for any horse not stabled on association grounds where the race is to be run, unless its stabling elsewhere has been approved by the association.~~

(~~9~~**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) In races with a purse value of $50,000 or more, horses with common ownership may race as separate betting interests. It shall be indicated prominently in the program if horses are trained or owned by the same person.~~

~~(3) A trainer of any horse shall not have any ownership interest in any other horse in the same race, unless such horses are coupled as a single wagering interest.~~

(4**2**) ~~Where no exception exists, all~~ **H~~h~~**orses that have common ties through ownership or training may be **un**coupled ~~as an entry~~ in a race **as separate betting interests** when approved by the stewards. ~~Either may be scratched up to 1 hour before post time for the first race.~~

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 ~~joint~~ owners of a horse, and each owner ~~shall be~~**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 ~~shall~~**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 ~~shall be~~ transfer~~red~~ automatically with the horse to its new owner; except that if the horse is transferred to **an ineligible** ~~a~~ person ~~whose license is suspended or who is otherwise unqualified to race or enter such horse~~, then the subscriptions ~~shall be~~**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 ~~which~~ **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 ~~track~~**race course**s 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 ~~in accordance with~~ **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 ~~6~~**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 horses have been excused from a purse race at scratch time, a new drawing shall be taken of horses on the also-eligible list and the starting and post position of the horses drawn from the also-eligible list shall be determined by the sequence drawn.~~

(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.

(~~3~~**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.~~, and such horse shall forfeit any preference to which it may have been entitled.~~

(~~4~~**6**) ~~Where entries are closed 2 racing days before the running of a race,~~ **A**~~a~~ horse **that**~~which~~ is on an also-eligible list and **that**~~which~~ 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 ~~which~~**that** are drawn into races and those on the also-eligible list ~~which~~**that** draw into races ~~will~~**must** receive a running date corresponding to the date on which they are to run and ~~will~~**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 ~~which~~**that** have established a preference date at the current **race** meeting ~~shall~~lose that preference date if they race elsewhere. The reentry of such horses ~~will~~ reestablish**es the** preference dates.

(8) Horses entered in the wrong race by an owner, trainer, or authorized agent ~~shall~~ lose their preference dates.

(9) There ~~will~~**are** no special preference dates for Michigan-bred horses.

(10) Preference dates ~~will~~**must** not be carried for a period of more than ~~30~~**45** days. The stewards ~~will~~**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 ~~and scratches~~ are irrevocable. A**n association shall not require a** declaration fee ~~shall not be required by an association~~.

R 431.3160 Scratches.

Rule 3160. Withdrawal of a horse from a race after closing by the owner, trainer, or authorized agent ~~shall be~~**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) ~~Any horse that has been excused from starting because of physical disability or sickness shall not be entered in any race until declared fit by the veterinarian representing the racing commissioner.~~ **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** ~~in the daily racing form monthly chart records~~, 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** ~~in the daily racing form monthly chart books~~, 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 ~~performance records shall be signed and sworn to by~~ **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** ~~events~~, 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**~~as~~ to all or any part of the allowance thereof, and, in overnight **races**~~events~~, 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 ~~shall~~**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 ~~shall be~~**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 ~~racing commissioner~~**executive director** may consider tracks that are not reported in the daily racing form or **a corresponding publication of a foreign country**~~corresponding foreign publications~~.

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 ~~racing commissioner~~**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** ~~void~~, stakes, forfeit, and entrance money shall be returned.

(8) A race may be declared **no contest** ~~void~~ if no qualified horse covers the course according to rule.

(9) Purse money, prize money, or an award of any kind ~~shall not~~**may** be distributed~~ until results of the specimen and urine tests are reported from the designated laboratory~~ **by the association unless a hold is placed on the funds by the stewards**. The ~~racing commissioner~~ **stewards** shall notify the **association**~~race meet licensee~~ 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~~ or racing interest~~ in good standing who is properly licensed **in this state**. An owner may claim out of his or her initial race.

(3) ~~An individual or racing interest~~ **A legal entity that** ~~which~~ seeks to make a claim and~~ which~~ **that** otherwise is not eligible as set forth in these rules may do so, after filing proper license application~~s~~, **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**~~individual or racing interest~~ 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 ~~at the time~~**when** a claim is made by the **legal entity**~~individual, interest,~~ or a trainer or **authorized** agent representing the **legal entity**~~individual or interest~~.

(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**~~10 days after~~ 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**~~several~~ owner~~s~~, 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 ~~racing commissioner~~**executive director**. Both form and envelope shall be filled out completely and shall accurately identify the claim. A form and envelope **that**~~which~~ are not filled out completely or ~~which~~**that** do~~es~~ not accurately identify the claim render~~s~~ 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 ~~racing secretary's~~**race** office not less than 15 minutes before post time of the race, as determined by the official track clock showing post time~~. If the clock stamp at the counter which imprints the date, hour, and minute is used to indicate the date and time the claim envelope is deposited, the time stamped on the claim envelope shall be not later than 15 minutes before post time of the race.~~

(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~~ association's~~ 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~~ track~~ **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 ~~at the time~~**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. ~~The stewards, at any time, may require any person filing a claim to present a written affidavit that he or she is claiming pursuant to these rules. The stewards shall be the judges of the validity of a claim.~~

(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.**~~ A horse that has been claimed shall be taken, after the race has been run, to the paddock for delivery to the claimant~~. 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~~A person shall not refuse to deliver to the person legally entitled thereto a claimed horse, and the horse is disqualified 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 ~~or their representatives~~. 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) For a period of 30 days after claim, a claimed horse shall not start in a race in which the determining eligibility price is less than 25% more than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day, and the horse shall be entitled to enter when necessary so that the horse may start on the 31st calendar day following the claim, for any claiming price. This subruledoes not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. A similar rule in any other state shall be recognized.~~

(~~2~~) ~~A horse claimed in another state before racing in this state shall~~ ~~while racing in this state~~ ~~pay any additional penalty imposed by these rules~~.

(~~3~~**1**) A claimed horse is not eligible to race in any **other jurisdiction** ~~state~~ 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.

(**42**) 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.

(~~5~~**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.

(~~6~~**4**) When a horse is claimed, its engagements are included.

(~~7~~**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.

(~~8~~**6**) 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.~~

(~~9~~**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.

(~~10~~**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 ~~may obtain a certificate from the stewards of the meeting and, on presentation of that certificate, the owner~~ ~~shall be~~**is** entitled to claim during the next 30 racing days at any **live race** ~~recognized~~ meeting in this state ~~until he or she has claimed a horse or has acquired a horse by some other means~~. 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~~) ~~When a race results in a dead heat for first place, the dead heat shall not be run off and the owners shall divide first and second money~~.

(~~2~~**1**) ~~When 2 horses run a dead heat for first place, all prizes to which the first and second horses would have been entitled shall be divided equally between the 2 horses.~~**If a dead heat is declared,** ~~This sub rule applies in dividing prizes~~ regardless of the number of horses running a dead heat, ~~for second place. T~~**t**hey shall divide the ~~second and third~~ **dead heated finishers' prize** money **equally**.

(~~3~~**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 ~~racing commissioner~~**executive director.** ~~and apply as follows:~~

~~Distance~~	~~Age~~	~~Jan/ Feb~~	~~Mar/ Apr~~	~~May~~	~~June~~	~~July~~	~~Aug~~	~~Sept~~	~~Oct~~	~~Nov/ Dec~~
~~One-half mile~~	~~2~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~105~~	~~108~~	~~111~~	~~114~~
	~~3~~	~~117~~	~~119~~	~~121~~	~~123~~	~~125~~	~~126~~	~~127~~	~~128~~	~~129~~
	~~4~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~
	~~5~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~
	~~And up~~									

~~Six furlongs~~	~~2~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~102~~	~~105~~	~~108~~	~~111~~
	~~3~~	~~114~~	~~117~~	~~119~~	~~121~~	~~123~~	~~125~~	~~126~~	~~127~~	~~128~~
	~~4~~	~~129~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~
	~~5~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~	~~130~~
	~~And up~~									

.

~~One mile~~	~~2~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~96~~	~~99~~	~~102~~
	~~3~~	~~017~~	~~111~~	~~113~~	~~115~~	~~117~~	~~119~~	~~121~~	~~122~~	~~123~~
	~~4~~	~~127~~	~~128~~	~~127~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~
	~~5~~	~~128~~	~~128~~	~~127~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~
	~~And up~~									

.

~~One and one-quarter miles~~	~~2~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~
	~~3~~	~~101~~	~~107~~	~~111~~	~~113~~	~~116~~	~~118~~	~~120~~	~~121~~	~~122~~
	~~4~~	~~125~~	~~127~~	~~127~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~
	~~5~~	~~127~~	~~127~~	~~127~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~
	~~And up~~									

.

~~One and one-half miles~~	~~2~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~
	~~3~~	~~98~~	~~104~~	~~108~~	~~111~~	~~114~~	~~117~~	~~119~~	~~121~~	~~122~~
	~~4~~	~~124~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~
	~~5~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~
	~~And up~~									

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~~Two miles~~	~~3~~	~~96~~	~~102~~	~~106~~	~~109~~	~~112~~	~~114~~	~~117~~	~~119~~	~~120~~
	~~4~~	~~124~~	~~126~~	~~126~~	~~126~~	~~126~~	~~125~~	~~125~~	~~124~~	~~124~~
	~~5~~	~~126~~	~~126~~	~~126~~	~~126~~	~~126~~	~~125~~	~~125~~	~~124~~	~~124~~
	~~And up~~									

~~Weights for the shorter distances are carried in races of intermediate lengths.~~

(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 ~~permitted~~**required** to ride in **5**~~2~~ races before **being granted a license upgrade by the**

stewards. ~~the issuance of a license as an apprentice jockey~~ **A person may only ride in the required probationary races** if all of the following conditions have been satisfied:

~~(a) Such person is a licensee with at least 1 year of service with a racing stable.~~

(~~b~~**a**) A ~~licensed~~ trainer certifies, in writing, to the stewards that such person has demonstrated sufficient horsemanship to be permitted such probationary mounts.

(~~c~~**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.

(~~d~~**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 served at least 1 year with a racing stable~~.

(~~d~~**c**) Have ridden in **a number of races considered satisfactory by the stewards**~~not less than 2 races~~.

(~~e~~**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.

(~~f~~**e**) ~~Shall be~~ **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~~ **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 ~~race meets~~**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 ~~at the time~~**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 ~~a licensed~~ **an** owner or ~~licensed~~ 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 ~~racing commissioner~~**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 ~~commissioner~~**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~~ **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 ~~racing commissioner~~**executive director** may waive collection of an additional license fee.

R 431.3235 Jockey contracts.

Rule 3235. A contract between an ~~employer,~~ 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 ~~racing commissioner~~**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 ~~a licensed~~ **an** owner or ~~licensed~~ 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 ~~Jockey restrictions~~**Rescinded**.

~~Rule 3240. A jockey shall not do any of the following:~~

~~(a) Ride any horse not owned or trained by his or her contract employer in a race against a horse owned or trained by his or her contract employer.~~

~~(b) Ride or agree to ride any horse in a race without the consent of his or her contract employer.~~

~~(c) Share any money earned from riding with his or her contract employer.~~

~~(d) Accept any present, money, or reward of any kind in connection with his or her riding of any race, except through his or her contract employer.~~

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 ~~licensed~~ 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 ~~racing commissioner~~**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.

~~(3) Employers retaining the same jockey have precedence according to priority of the retainers as specified in the contracts.~~

~~(4) Conflicting claims for the services of a jockey shall be decided by the stewards and such decision is final.~~

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 ~~of the jockeys' room~~.

(5) The valets shall be uniformly and neatly attired in uniforms provided by the association and approved by the ~~racing commissioner~~**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 ~~racing commissioner~~**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** ~~under escort~~, 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) A jockey riding in a race shall wear a safety helmet of a type approved by the racing commissioner, on recommendation of the stewards, and a change in a helmet shall not be made without the approval of the stewards. A jockey, apprentice jockey, or any other rider in the course of exercising or ponying a thoroughbred horse is required to wear an approved safety helmet.~~**(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.

(~~2~~**5**) A ~~whip~~**riding crop**, **number cloth, or** blinkers ~~, or number cloth is~~ **are** not allowed on the scales. A bridle or safety helmet approved by the ~~racing commissioner~~ **executive director** ~~shall~~**must** not be weighed.

(~~3~~**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 ~~rider~~**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 ~~racing commissioner~~**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 ~~to ride in any race~~, **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 ~~costume~~**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 ~~racing commissioner~~**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 ~~be responsible for~~ check~~ing~~ the film list posted by the stewards in the jockeys' room the day after riding in a race. The posting of the list is ~~to be considered~~ 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 ~~will~~**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. ~~Whether a fee is earned will be determined by the contract.~~

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**~~1~~ ~~journeyman~~ jockey**s** and 1 apprentice jockey ~~or may act for 2 journeymen, upon approval of the stewards~~.

(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 ~~stewards and the racing commissioner~~ **executive director or his or her authorized representative**.

(4) Inaccuracies or the failure to maintain records ~~in a manner satisfactory to the stewards~~ 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** ~~is punishable by~~ 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**~~is appointed as an authorized agent for the owner, trainer, or racing interest. A jockey agent will be appointed as an authorized agent for not more than 2 owners, trainers, or racing interests at any one time~~. A jockey agent's license ~~and authorized agent appointment are~~ **is** invalid if he or she is not representing a jockey currently participating at the race ~~meet~~**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 ~~racing commissioner~~**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 ~~licensed~~ trainer to assume complete responsibility for the horses being entered or running. Such ~~licensed~~ trainer shall sign, in the presence of the stewards, a form furnished by the ~~racing commissioner~~**executive director** accepting complete responsibility for the horses entered or running.

~~(2) A horse shall wear head numbers in a race when the track is officially rated sloppy or muddy.~~

(~~3~~**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**. ~~Training shoes are prohibited.~~

(~~4~~**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.

(~~5~~**4**) After entering the~~ track~~ **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.

(~~6~~**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 ~~that~~**unless it** has ~~not~~ demonstrated **unruly behavior**~~unruliness~~, but shall assist in the control of any horse which might cause injury to a jockey or others. Outriders ~~shall be~~**are** required to be present on the ~~racing strip~~**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 ~~racing strip~~**race course** for exercising or racing.

(~~7~~**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.

(~~8~~**7**) The **official** starter is required to load horses in the starting gate in order of post position. Any exception to this ~~shall~~**must** be approved by the stewards.

(~~9~~**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.

(~~10~~**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.

(1**0**~~1~~) 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.

(1**1**~~2~~) 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 ~~track~~**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, in the opinion of the stewards, the incident altered the finish of the race, whether the foul was willful or the result of careless riding~~. 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 time recorded for the first horse to cross the finish line shall be the official time of the race, except as provided for in R 431.1330.~~

(~~5~~**4**) The stewards shall take cognizance of foul riding, whether or not an objection is made. ~~An objection shall not be received from any person other than the jockey, trainer, owner, or authorized agent of the owner of the horse allegedly interfered with.~~

(~~6~~**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.

(~~7~~**6**) A person shall not throw any covering over any horse at the place of dismounting until the horse's equipment is removed.

(~~8~~**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 ~~shall~~**may** be disqualified and a refund of wagers on the horse ~~shall~~**may** be ordered.

(~~9~~**8**) A horse that does not carry its jockey across the finish line is disqualified. ~~A horse that leaves the course shall turn back and run the course from the point at which the horse left the course.~~

(~~10~~**9**) A jockey who willfully strikes another jockey or horse with his or her ~~whip~~ **riding crop** or who grabs the clothing, equipment, or person of another jockey or horse may be **subject to disciplinary action** ~~fined, suspended, or ruled off~~ and his or her mount may be disqualified.

~~(11) Whips are to be used uniformly and the stewards shall take cognizance of unusual use or nonuse of a whip by a jockey.~~

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** ~~put forth every reasonable effort~~ 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** ~~every reasonable~~ effort **to win** or does not use due diligence in the riding of a race, the jockey shall be subject to disciplinary action. ~~Any disciplinary action imposed on a jockey shall be met by the disciplined jockey.~~

(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** ~~penalized~~ at the discretion of the stewards. Stewards shall take cognizance of marked reversal of form of all horses and shall conduct inquiries of the ~~licensed~~ owner, ~~licensed~~ 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** ~~penalized~~ 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 ~~quarterhorse~~ **quarter horse breed horse** races.

Rule 3310. Upon proper application, the ~~racing commissioner~~**stewards** may approve races under the thoroughbred rules in which both thoroughbred and ~~quarterhorses~~**quarter horses** compete in the same race. **Charted wins are valid records.**

PART 4. ~~HARNESS~~**STANDARDBRED** RACING

R 431.4001 Definitions; ~~A~~**C** to E.

Rule 4001. As used in this part:

~~(a) "Added money early closing event" means an event closing in the same year in which it is to be contested in which all entrance and declaration fees received are added to the purse.~~

~~(b) "Age" means the number of years since a horse was foaled. Age is determined as if such horse were foaled on January 1 of the year in which the horse was foaled except that horses foaled in the months of November and December between November 1, 1970, and December 31, 1980, shall be reckoned from January 1 of the succeeding year.~~

~~(c) "Claiming race" means a race in which a horse may be claimed pursuant to the rules of the racing commissioner.~~

(~~d~~**a**) "Classified race" means a race in which, regardless of the eligibility of horses, entries are selected on the basis of ability or performance.

(**eb**) "Conditioned race" means an overnight **race**~~event~~ 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.

(~~f~~**c**) "Current charted line" means written documentation of a horse's performance recorded on the horse's **electronic** eligibility ~~certificate~~ 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) ~~Track~~**Race course** size, if other than 1/2 mile.
(iv) ~~Track~~**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.

~~The symbols for free-legged, breaks, and park outs shall be used where appropriate.~~

(~~g~~**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.

(~~h~~**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.

(~~i~~**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 ~~events~~**races** are not permissible before February fifteenth of the year in which the horse is a 2-year-old.

(~~j~~**g**) "Elimination heats" means heats of a race split according to these rules which qualify the contestants for a final heat.

~~(k) "Entry" means either of the following:~~

~~(i) A horse entered in a race.~~

~~(ii) 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 the rules of the racing commissioner.~~

~~(l) "Extended pari-mutuel meeting" means a meeting at which no agricultural fair is in progress with an annual total of more than 10 days' duration with pari-mutuel wagering.~~

(h) "Exercise driver" means a person licensed as such, hired to warm up a horse participating on a given day.

R 431.4005 Definitions; ~~F~~**H** to M.

Rule 4005. As used in this part:

~~(a) "Futurity" means a stake in which the dam of the competing horse is nominated either when in foal or during the year of foaling.~~

~~(b) "Green horse" means a horse that has never trotted or paced in a race or against time.~~

~~(c) "Guaranteed stake" means a stake race with a guarantee by the party opening it that the sum shall not be less than the amount named.~~

(~~d~~**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.

(~~e~~**b**) "Heat" means a single trial in a race 2 in 3 or 3-heat plan.

(~~f~~**c**) "Horse" means a standardbred horse registered as such with the United States ~~t~~**T**rotting ~~a~~**A**ssociation **(USTA)**, and is a term used in these rules to designate any standardbred irrespective of age or sex designation.

~~(g) "In harness" means a race in which performances shall be to a sulky.~~

(d) "Kick" means any contact between the driver's foot and the horse.

(~~h~~**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**~~contested~~.

(~~i~~**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.

~~(j) "Match race" means a race which has been arranged and the conditions thereof agreed upon between the contestants.~~

~~(k) "Matinee race" means a race where an entrance fee may be charged and where the premiums, if any, are other than money.~~

R 431.4010 Definitions; ~~N~~**R** to S.

Rule 4010. As used in this part:

(a) ~~"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.~~

(b) ~~"Overnight event" means a race for which declarations close not more than 4 days nor less than 1 day before such race is to be contested. In the absence of conditions or notice to the contrary, all entries in overnight events shall close not later than 12 noon the day preceding the race.~~

(~~c~~**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.

~~(d) "Stake" means a race which will be contested in a year subsequent to its closing and in which the money given by the track conducting the race is added to the money contributed by the nominators, all of which, except for deductions for the cost of promotion and breeders' or nominators' awards, belongs to the winner or winners. Except as provided in R 431.4160, all of the money contributed in nominating, sustaining, and starting payments shall be paid to the winner or winners.~~

(~~e~~**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 ~~Race~~**Racing** officials.

Rule 4015. (1) The following positions at a race meeting are designated as officials:

(a) **Stewards**~~Three stewards, who may also place a horse~~.

~~(b) Three placing judges, if the stewards do not place the horses.~~

(~~c~~**b**) ~~One or more p~~**P**atrol judges.

(~~d~~**c**) ~~A p~~**P**addock judge.

(~~e~~**d**) ~~A~~**Official** starter.

(~~f~~**e**) ~~A c~~**C**lerk of course.

(~~g~~**f**) ~~A t~~**T**imer/**photo finish operator**.

(~~h~~**g**) ~~A h~~**H**orse identifier.

(~~i~~**h**) ~~A race~~ **Racing** secretary, and such assistants as he or she may require.

(~~j~~**i**) ~~A~~**Official** veterinarian**.** ~~representing the racing commissioner.~~

~~(k) A veterinarian representing the association.~~

(2) In case of an emergency, the association may **provide**~~appoint~~ a substitute **steward**, with the approval of the **executive director**~~stewards~~, to act as **the steward**~~its official~~ for the remainder of any program.

(3) A person, other than the stewards, 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 the stewards, shall not be in the stewards' stand when a decision is being made on a foul claim or **stewards'** inquiry.

~~(5) A person, other than those persons employed in the developing or projection of the visual recording of a race, shall not be in the projection room while the stewards are viewing pictures to decide a foul claim or inquiry.~~

(~~6~~**5**) Racing officials serving in the capacity of steward, ~~placing~~ **patrol** judge**s**, ~~patrol judges,~~ clerk of course, **official** starter, and horse identifier ~~shall~~**may be required to** take and satisfactorily pass an optical examination **at the request of the executive director** ~~within 1 year before the race meeting at which they serve~~. The examination shall evidence **a minimum** corrected **vision of** 20/30 ~~vision~~ and an ability to distinguish colors correctly.

(~~7~~**6**) All **racing** officials, with the exception of those representing the ~~racing commissioner~~**executive director**, shall be **nominated** ~~appointed~~ by the association. All of the **racing** officials are subject to the approval of the ~~racing commissioner~~ **executive director**. The ~~racing commissioner~~**executive director** reserves the right to demand a change of **racing officials** ~~personnel~~ for what he or she considers good and sufficient reason. The successors **of a racing** ~~to officials~~ **official** so replaced shall **also** be subject to the approval of the ~~racing commissioner~~**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; ~~specific~~ duties and responsibilities.

Rule 4020. (1) In addition to the general powers **specified in these rules** ~~outlined in R 431.1315~~, 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**~~association~~ grounds.

(c) Immediately thereafter ~~or on the day of the race, conduct~~**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 ~~and at all times when the horses are upon the track~~.

(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, ~~and~~ the "official" sign flashed, **the announcer provided with an explanation of the decision for announcement, and a video displayed on racetrack monitors.** ~~In addition, the stewards shall cause the "inquiry" sign to be posted when there has been an accident during the course of the race.~~

(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** ~~films or tapes~~ 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 ~~racing commissioner~~**executive director**. Complaints made directly to the stewards shall be reported to the ~~racing commissioner~~**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** ~~any horse, particularly when associated with unusual betting patterns,~~ and shall, in their discretion, conduct inquiries. During inquiries, the stewards may take into consideration the betting **action** ~~pattern~~ on the horse in question ~~shall review the~~ **and** films of the horse's previous races, and shall consider all other facts ~~that~~ they ~~, in their discretion, deem~~**consider** relevant toward making a determination as to whether ~~or not~~ 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 ~~, in their discretion,~~ **take disciplinary action against a person found to have contributed to the restraining of the horse** ~~fine any person found by a reasonable probability to have contributed to the restraining of the horse in previous races or may suspend or revoke that person's license~~.

(2) If ~~a finding is made by~~ 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 ~~racing commissioner~~**executive director** to ~~the appropriate local, state, or federal~~ 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~~s~~ **judges**. Where there is a patrol car, only 1 patrol judge ~~shall be~~**is** required.

(2) ~~A~~**The stewards may require a** patrol judge ~~shall~~ **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 ~~S~~s**tarter; 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) ~~Keep the stewards' book and record therein~~**Record in the stewards' book** all of the following information:

(i) All horses entered and their **electronic** eligibility ~~certificate~~ numbers.

(ii) Names of owners and drivers and drivers' United States ~~t~~**T**rotting ~~a~~**A**ssociation 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 ~~certificates~~ 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.

~~(e) Notify owners and drivers of penalties assessed by the officials not later than 36 hours after imposition.~~

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**~~contested~~. 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**~~Under the direction and supervision of the judges, the paddock judge shall have complete charge of all paddock activities. The paddock judge has the following duties~~:

(a) Getting the fields on the **race course** ~~track~~ for post parades ~~in accordance with~~**pursuant to** the schedule given to him or her by the **stewards**~~judges~~.

(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) ~~Insuring~~ **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) ~~Insuring~~ **Ensuring** that only properly authorized persons are permitted in the paddock.

(i) ~~Insuring~~ **Ensuring** that, except for warm-up trips, no horse leaves the paddock until called to post.

(j) Inform**ing** 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) Receive and safely keep the eligibility certificates of all horses competing at the race track or stabled on association grounds, and return them to the owners of horses or their representatives upon their departure from the grounds.~~

(~~b~~**a**) Be familiar with the age, class, and competitive ability of all horses racing at the track.

(~~c~~**b**) Where the rules require, classify and reclassify horses ~~in accordance with~~**pursuant to** the rules.

(~~d~~) ~~List horses in the classes for which they qualify and cause such lists to be kept current and to be properly displayed in the room in which the declaration box is located for examination by horsemen and others.~~

(~~e~~**c**) Write conditions and schedule the daily racing programs to be presented at the track.

(~~f~~**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 ~~in accordance with~~**pursuant to** the rules governing these functions.

(~~g~~**e**) Examine nominations and declarations in early closing and stake ~~events~~**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 eligibility certificate was not in the racing secretary's possession on the date the condition list was published.~~

(**2**~~3~~) 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.

(**34**) 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**~~5~~) Races or dashes shall be given at a stated distance in units not shorter than **1/16**~~one-sixteenth~~ 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** ~~V~~**v**eterinarians; duties; recordkeeping.

Rule 4060. ~~(1) The racing commissioner's veterinarian shall have supervision over the taking of urine, blood, or other samples from the horses as may be directed by the stewards, and shall be responsible for the proper storing and delivery thereof to the designated laboratory and for the maintenance of required records.~~

(~~2~~**1**) The ~~racing commissioner's~~ **official** veterinarian ~~or the association's veterinarian~~ shall examine~~ and reexamine~~ horses~~ as~~ the stewards~~ may~~ request **him or her to examine. The official veterinarian is responsible for**~~ and~~ approv**ing**~~e~~ for release from the **veterinarian's**~~ stewards'~~ list all horses that have been placed **on the list**~~thereon for being~~ **because of** lame**ness**, sick**ness**, or injur**y**~~ed~~ before they may be entered to race again.

(~~3~~**2**) A**n official** veterinarian ~~who is employed by the racing commissioner or by an association~~ shall not, during the period of his or her employment, for compensation or otherwise, treat or prescribe for a racing ~~standardbred~~ 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 a**n official** veterinarian ~~who is employed by the racing commissioner or an association~~, either directly or indirectly, during the period for which ~~the~~ **he or she** ~~veterinarian~~ is employed by the **executive director**~~racing commissioner or an association~~.

~~(4) A veterinarian who is licensed to practice on the grounds of a race meeting licensee shall maintain veterinary records, in duplicate, on forms prescribed by the commissioner, which accurately record all services rendered, and medication prescribed and which include the name of the horse treated, date of the treatment, and the name of the trainer. Such records shall be made available to the stewards or their representatives on demand.~~

~~(5) A veterinarian shall report to the racing commissioner's veterinarian or to the stewards any internal medication given by the veterinarian or given at his or her direction to a horse known to him or her to be entered in a race. The trainer shall also make such report to the racing commissioner's veterinarian or to the stewards. If a drug is administered internally before scratch time to a horse which is entered to race, it shall be reported by the trainer or the veterinarian to the stewards or their representatives before scratch time. If administration of a drug is made after scratch time, it shall be reported to the stewards or their representatives immediately.~~

(~~6~~**3**) The ~~racing commissioner's~~**official** veterinarian ~~or the association 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 ~~judges~~**stewards**.

(~~7~~**4**) The ~~racing commissioner's~~**official** veterinarian ~~or the association 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.

(~~8~~**5**) The ~~racing commissioner's~~**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 ~~racing commissioner's~~**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 ~~track~~ **race course** if other than a half-mile ~~track~~ **race course**.

(iii) Symbol for free-legged paces.

(iv) Symbol for trotting hobbles.

(~~i~~v) ~~Track~~ **Race course** condition **plus allowances**.

(v**i**) Type of race.
(vi**i**) Distance.
(vii**i**) The fractional times of the leading horse, including race time.
(~~viii~~i**x**) Post position.
(~~i~~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.
(x**i**) Individual time of the horse.
(xi**i**) Closing dollar odds.
(xii**i**) Name of the driver.
(xi~~ii~~**v**) 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 ho**bb**~~pp~~les.
(j) Identification of trotters racing with trotting hobbles.
(~~j~~**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.
(~~k~~**l**) The name of the trainer.
(~~l~~**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 ~~track~~ **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) ~~Licensed o~~**O**wners 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) ~~Licensed t~~**T**rainers of horses competing on the date of the race.
(d) ~~Licensed d~~**D**rivers of horses competing on the date of the race.
(e) ~~Licensed g~~**G**rooms 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, ~~or caretaker,~~ 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~~, or caretaker~~ was admitted are ~~contested~~**completed.**

(4) ~~Except for an owner, who has another horse racing in a later race, a~~**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 ~~start in a~~**be permitted to** race unless it is fully identified. The burden of establishing ~~the identity of~~ a horse**'s identity** rests with the **owner or trainer and must be verified by a racing official**~~person or persons having charge of the horse at the meeting, and, in connection therewith, any person found guilty of fraud, attempting fraud, aiding in any way in the perpetration of a fraud, or participating in any attempt at fraud shall be ruled off~~.

(2) ~~A horse shall not be permitted to race at a licensed harness meeting unless the horse has been properly identified. The responsibility for identification of each horse that starts will rest with the horse identifier under the supervision of the paddock judge. When such~~ **A racing official will rely on the following** characteristics **to verify a horse's identity:** ~~are available and known, identification shall be established by~~

(a) Lip **or freeze** tattoo numbers**.** ~~,~~

(b) Unique microchip. ~~, p~~

(c) Photographs of night eyes**.**~~, c~~

(d) Color**.**~~, m~~

(e) Markings**.**~~, s~~

(f) Size**.** ~~, g~~

(g) Gait**.**~~, or~~

(h) Any combination of ~~such~~ **the** factors **listed in this subrule**. If submitted, an **electronic** eligibility ~~certificate~~ issued by the United States ~~t~~**T**rotting ~~a~~**A**ssociation 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**.** ~~unless the permission of the stewards is obtained and arrangements are made to have the horse tattooed.~~ Any ~~person~~ **licensee** refusing to allow a horse to be tattooed **or microchipped** by a United States **T**~~t~~rotting **A**~~a~~ssociation representative may be subject to disciplinary action.

~~(4) A racing official or the owner, trainer, or driver of any horse declared in to race wherein the question arises may call for information concerning the identity and eligibility of any horse on the grounds, and may demand an opportunity to examine such horse or the horse's eligibility certificate for the purpose of establishing the horse's identity or eligibility. If the owner or party controlling such horse refuses to provide such information or to allow such examination, or fails to give satisfactory identification, the horse and the owner or party may be subject to disciplinary action. A person demanding the identification of a horse without cause or merely with the intent to cause embarrassment is subject to disciplinary action.~~

R 431.4090 Horse eligibility certification.

Rule 4090. (1) A horse shall not be permitted to start any race unless ~~a~~ current **electronic eligibility**~~United States trotting association validation or Canadian trotting association eligibility certificate~~ at the proper gait is obtained. ~~A person making the declaration of a horse to a race shall present the eligibility certificate at the time of declaration or the declaration may be refused. However, telegraphic or telephonic declarations may be accepted if the person making the declaration furnishes adequate program information, but the eligibility certificate shall be presented before the horse races.~~

(2) The **stewards** ~~judges~~ may permit a horse to start without ~~a~~ current **electronic** eligibility ~~certificate~~ being ~~presented~~ **recorded** if they are satisfied that ~~all~~**both** of the following requirements have been met:

(a) The issuance of the **electronic** eligibility ~~certificate~~ for the horse is verified.

(b) The eligibility of the horse to the ~~event~~**race** is established.

~~(c) Satisfactory arrangements are made to have the performance information for the horse recorded on the eligibility certificate following the start and before any subsequent start. The race secretary shall check each eligibility certificate and certify to the judges the eligibility of all the horses.~~

(3) Applications for United States ~~t~~**T**rotting ~~a~~**A**ssociation **electronic** eligibility ~~certificates~~ 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**~~An application for the replacement certificate shall be accompanied by a signed statement from the owner or trainer certifying that the original certificate is lost or destroyed and listing the starts, including all fair races, qualifying races, and matinee races made by the horse during the current year~~.

~~(4) Before declarations, an owner of a horse which has a Canadian eligibility certificate shall furnish the racing secretary with a Canadian eligibility certificate completely filled out for the current year, which has a certificate or validation attached thereto. Residents of Canada under Canadian trotting association jurisdiction who hold eligibility certificates and who are members of the United States trotting association may obtain a validation certificate by filing an application with the United States trotting association. Residents of the United States and the Maritime Provinces who hold Canadian eligibility certificates for the current year shall have the horse registered in current ownership in the United States trotting association register before a validation certificate can be obtained by filing an application with the United States trotting association. This validation certificate may then be attached to the Canadian eligibility certificate and used at tracks in membership with the United States trotting association. However, if the Canadian eligibility certificate is not for the current year, a completed United States trotting association eligibility certificate application shall be submitted with the Canadian eligibility certificate.~~

~~(5) A validation certificate shall not be issued in the name of a lessee by the United States trotting association unless a copy of the lease is on file with either the United States trotting association or Canadian trotting association.~~

(~~6~~) ~~When a horse is sold or leased after an eligibility certificate is issued for the current year, the seller, or his or her agent who is duly authorized in writing, shall deliver the eligibility and current registration certificates of the horse to the stewards. If the horse is to be leased, an original executed copy of the lease shall be delivered with the certificate. The stewards shall examine such registration certificate to verify that it is in proper order and that the current registered owner is the same as the current holder of the eligibility certificate. If the endorsements are satisfactory, the stewards shall endorse the eligibility certificate to the new owner or shall endorse the recording of the lease, or shall do both, as the case may be. Failure to forward the registration certificate or an executed copy of the lease within 20 days after purchase or lease of a horse which is racing will subject the buyer or lessee to disciplinary action.~~

(~~7~~**4**) Any horse on lease shall race in the name of the lessee. An e**lectronic** eligibility ~~certificate~~ shall not be issued to a horse under lease unless a copy of the lease is filed with the United States ~~t~~**T**rotting ~~a~~**A**ssociation. ~~Beginning with eligibility certificates issued for 1978 and thereafter~~, ~~the~~ **The** names of both the owner and the lessee shall be noted on the **electronic** eligibility ~~certificates~~ of leased horses.

(~~8~~**5**) If the **electronic** eligibility ~~certificate~~is not endorsed to him or her, the new owner or lessee shall apply for an **electronic** eligibility ~~certificate~~, 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.

(~~9~~**6**) A person who enters a chart line on an **electronic** eligibility ~~certificate~~ when the race has not been charted by a licensed charter or who in any way tampers with an **electronic** eligibility ~~certificate~~ may be subject to disciplinary action.

(~~10~~**7**) Corrections on **electronic** eligibility ~~certificates~~ may be made only by a representative of the United States ~~t~~**T**rotting ~~a~~**A**ssociation or a ~~licensed~~ **racing** official, who shall place on the **electronic eligibility** ~~certificate~~ his or her initial and the date of correction.

R 431.4095 **Electronic eligibility** ~~Eligibility certificates~~ for foreign horses.

Rule 4095. An **electronic** eligibility ~~certificate~~ shall not be **recognized**~~issued~~ 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) ~~Track~~**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 ~~t~~**T**rotting ~~a~~**A**ssociation registration is properly applied for, a horse may be permitted to race during the current year with an **electronic** eligibility ~~certificate~~ 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** ~~track~~ licensed by the ~~racing commissioner~~**executive director**.

~~(3) The stewards may authorize the use of an eligibility certificate from the previous year during the month of January.~~

(~~3~~**3**) A ~~person~~ **licensee** withholding a registration certificate ~~or eligibility certificate~~ from the owner or lessee of a horse, after ~~proper demand~~ **notification by the stewards** has been made for the return thereof, may be suspended until ~~such time as~~ 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**~~events~~; 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 ~~will~~**must** be used and odd cents ~~will~~**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 ~~race~~**racing** secretary shall prescribe standards to determine whether a horse is qualified to race in overnight **race**~~events~~ 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~~, except where there is racing less than 5 days a week~~. Condition sheets or books containing not less than **1 week**~~6 days~~ of a racing program shall be available to horsemen not less than 24 hours before closing on any race program contained therein. The ~~race~~**racing** secretary shall forward copies of each condition book and overnight sheet to the United States ~~t~~**T**rotting ~~a~~**A**ssociation 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 ~~events~~**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**~~such~~ races shall be posted in the ~~racing secretary's~~ **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**~~such~~ 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 ~~racing commissioner~~**executive director**.

(4) Conditions shall not be written in ~~such~~ 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**~~event~~.

(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. ~~Claiming races may be carded to the proportion of each week's racing program as the number of claiming authorizations on file with the racing~~

~~secretary bears to the total number of horses on the grounds which are qualified and available for racing.~~

(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**~~events~~, 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 ~~conditioned~~ horses on the grounds whose **electronic** eligibility ~~papers~~ are **recorded**~~on file with the racing secretary~~ and **are** ready to race shall be posted by gait in the **racing office** ~~declaration room~~, together with all the pertinent information concerning ~~such~~**the** horses which may be required to determine the eligibility of ~~such~~**the** horses to conditioned races offered at the **race meeting**~~track~~. 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~~n individual or racing~~**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) ~~An individual or racing interest which~~**A legal entity that** decides to make a claim and **that otherwise is not eligible as set forth in these rules may do so** ~~who is not a current licensed owner may~~, after filing proper license application, **and**~~do so~~ 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**~~Such~~ amount shall remain on account until a claim is in fact made or permission to claim has expired. If withdrawal of **the**~~such~~ 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**~~individual or racing interest~~ 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 ~~at the time~~ **when** a claim is made by **the legal entity** ~~such individual or interest~~ or a trainer or **authorized** agent representing **the legal entity** ~~such individual or interest~~.

(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.**~~satisfy themselves that an individual is qualified for the permit insofar as financial responsibility, good character, and general fitness are concerned~~. A claiming permit shall **take effect upon issue and shall** not be ~~issued~~**valid** for more than 30 days~~ and shall not be valid until 10 days after issuance~~.

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**~~such~~ 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**~~the~~ owner ~~of a horse~~ 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** ~~sealed, and deposited in a locked box in the stewards' stand~~ not less than 15 minutes before the time ~~originally~~ scheduled for the race to begin.

(5) An official **or other employee of an association** shall not ~~open the box or~~ 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 ~~box shall be opened and the claim~~, 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.** ~~A horse claimed shall be delivered immediately by the original owner or his or her trainer to the successful claimant upon authorization of the stewards. The horse's halter shall accompany the horse. Altering or removing the horse's shoes will be considered a violation of this rule~~.

(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 ~~event~~**race** in the interest and for the account of the owner who declared it in the ~~event~~**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**. ~~The successful claimant shall become the owner of the horse, whether it is alive or dead, sound or unsound, or injured during the race or after it, if the final vesting of title to a claimed horse is subject to the conditions and provisions of subrule (6) of this rule.~~

(2) The ~~judges~~**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 ~~provided in these rules~~.

(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**~~A horse claimed out of a claiming race shall not be eligible to start in any race in the name or interest of the original owner for 30 days, and such horse shall remain in the same stable or under the care or management of the claiming owner or trainer or anyone connected therewith, unless reclaimed out of another claiming race~~.

(4) ~~The successful claimant of a horse programmed to start may, at his or her option, acquire ownership of a claimed horse even though such claimed horse was scratched and did not start in the claiming race from which it was scratched. The successful claimant shall exercise his or her option by 9 a.m. of the day following the claiming race to which the horse was programmed and scratched. A horse shall not be claimed from a claiming race unless the race is contested.~~

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 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 the 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.

(6) A claim is void for any horse that dies during a race or is euthanized on the race course following a race.

(7) 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 1 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.

(~~5~~**8**) If a horse is claimed, a blood sample ~~shall~~**may** be taken by a licensed veterinarian **to be tested for equine infectious anemia.** The sample ~~identified as being from a claimed horse~~ shall be forwarded~~,~~ within 24 hours~~,~~ to a**n approved** laboratory ~~designated by the racing commissioner to be tested for equine infectious anemia~~. Pending the receipt of a negative test for equine infectious anemia, the ~~monies~~**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 ~~and the test may be waived by the claimant at his or her discretion by so indicating on the claiming slip~~.

(~~6~~**9**) A claimed horse is not eligible to race in any ~~state~~ 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.

(10) The stewards shall be the judges of the validity of a claim.

(11) A claim not filled out completely or that does not accurately identify the claim renders the claim void.

(12) 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.

(13) 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 ~~conditions of R 431.4140(5),~~ **approval of the stewards and compliance with the association's release of funds policy,** the ~~track shall~~ **association will** pay the claiming price to the owner **of the horse that was claimed** ~~at the time~~**when** the registration certificate **or transfer of claim** is delivered ~~for presentation to the successful claimant~~.

(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 claiming race shall not be offered permitting claims for less than the minimum purse offered at that time during the same racing week.~~

(4**3**) A horse owner shall not be prohibited from determining the price for which his or her horse shall be entered.

(~~5~~**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.

(~~6~~**5**) ~~The current registration certificates of all horses entered in claiming races shall be on file with the racing secretary, together with a separate~~**A** 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 ~~t~~**T**rotting ~~a~~**A**ssociation 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**~~contested~~, the date and place of the race shall be stated. A stake or futurity sustaining fee on 2-year-olds ~~shall~~ **is** not ~~become~~ 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**~~fall~~ due after August 15 and before February 15 of the following year. No~~t~~ more than 1 sustaining payment of 2-year-olds in stakes and futurities that do not have a 2-year-old division

~~will be~~**is** permitted. No~~t~~ more than 2 sustaining payments on any horse of any age in any calendar year, with the exception of the starting fee, ~~will~~ **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**~~raced~~ 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 permit a horse to race in more than 2 heats or dashes in a single day. This provision shall not apply to stakes and futurities in existence as of March 8, 1977.~~

(~~5~~**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** ~~such conditions allow for a filly, properly nominated and sustained in the filly division, to start in the colt division upon proper declaration and the payment of the starting fee required for the colt division and the difference between any lower nominating fees or sustaining fees, or both, for the filly division and the higher nominating fees or sustaining fees, or both, for the colt division~~.

(~~6~~**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**~~such~~ stake or futurity.

(~~7~~**6**) Failure to make any payment required by the conditions constitutes an automatic withdrawal from the ~~event~~**race**.

(~~8~~**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.

(~~9~~**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**~~such~~ purse, stake, or futurity.

(~~10~~**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**~~in writing~~.

~~(b) Be signed by the owner or his or her authorized agent, except as provided in R 431.4170(8).~~

(~~c~~**b**) List all of the following information:

(i) The names of the ~~bona fide~~ 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 ~~event~~**race** or ~~event~~**races** in which the horse is to be entered.

(iv) The identity of the driver.

~~(d) With respect to entries in overnight events, comply with the provisions of R 431.4170(1).~~

(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.

~~For purposes of~~ **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**~~by telegraph where the telegram is actually received at the sending office~~ at or before the hour of closing and ~~such telegram~~ stat**ing**~~s~~ the color, sex, name of horse, the class to be entered, the name and residence of the owner, and the ~~party~~**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**~~such~~ 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**~~such~~ payment is due on Tuesday, and, if made by mail, shall be postmarked on or before the following Wednesday. The provisions of this section ~~shall not be construed as applying~~ **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, ~~such~~**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 ~~event~~**race**. Receipt ~~subsequent to~~ **after** this time of an entry by letter bearing the metered postmark date ~~shall~~**is** not ~~be~~a valid entry or payment to any ~~event~~**race**. The meter date shall conform to the postmarked date as set forth in this subrule ~~in order~~ to be valid.

(6) Entries and payments not governed by published conditions ~~shall be~~**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 ~~such~~**the** privileges shall be ~~deemed~~**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 ~~such~~**the** demand is complied with. ~~Such purse or money shall be awarded to the party justly entitled to it.~~ 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~~n~~ ~~event~~**race** to which it is ineligible may be transferred to any ~~event~~**race** to which it is eligible at the same gait.

~~(9) Every entry shall constitute an agreement that the person making it; the owner, lessee, manager, agent, nominator, driver, or other person having control of the horse; and the horse shall be subject to these rules and shall submit all disputes and questions arising out of such entry to the stewards.~~

(~~10~~**9**) Associations presenting early closing and late closing ~~events~~**races** shall state the place and day the ~~event~~**race** will be ~~raced~~**held**. A change in date, program, ~~event~~**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 ~~event~~**races** shall be advertised to fall on the fifteenth day of the month. If the ~~event~~**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 ~~event~~**race** allow a transfer for change of gait, ~~such~~**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 ~~event~~**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 ~~event~~**race** originally entered, with entry fees to be adjusted. A complete list of nominations to any early closing ~~event~~**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.

(~~11~~**10**) Conditions of early closing ~~events~~**races** or late closing races that will eliminate horses nominated to a~~n~~ ~~event~~**race** or add horses that have not been nominated to a~~n~~ ~~event~~**race** by reason of the performance of ~~such~~**the** horses at an earlier meeting held the same season are invalid. Early closing ~~events~~**races** and late closing ~~events~~**races** shall have not more than 2 also-eligible conditions.

(~~12~~**11**) In early closing races, late closing races, and overnight races requiring entry fees, all ~~monies~~**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 ~~431.4165(1)~~**431.4160(5)** ~~shall~~ apply.

R 431.4160 Entries and starters required.

Rule 4160. (1) An association shall specify how many entries are required for overnight **races** ~~events~~. After the condition is fulfilled, the ~~event~~**race** shall be **held**~~contested~~.

(2) In early closing ~~events~~**races** or late closing ~~events~~**races**, if 5 or more interests are declared in to start, the race shall be **held**~~contested~~. Stakes and futurities shall be raced if 1 or more horses are declared in to start.

(3) In an early closing ~~event~~**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 overnight events, not more than 8 horses shall be allowed to start on a half-mile track, and not more than 10 horses shall be allowed to start on larger tracks.~~ **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 ~~track~~**race course** has room to score all horses abreast~~, allowing 8 feet per horse~~.

(5) ~~A race other than an overnight race, where the number of horses declared in to start exceeds 14 on a half-mile track, 16 on a 5/8-mile track, or 16 on a larger track, unless otherwise stated in the conditions, may be raced in elimination heats, at the option of the association, if that option is exercised before positions are drawn. Unless lesser numbers are specified in the conditions of the race, the race, at the option of the association stated before positions are drawn, may be raced in elimination heats. In the absence of conditions providing for a lesser number of starters, not more than 2 tiers of horses, allowing 8 feet per horse, shall be allowed to start in any race, and not more than 14 starters on a half-mile track, 16 starters on a 5/8-mile track, or 16 starters on a larger track shall be allowed to start. Where a race other than a stake or futurity is divided, each division shall race for not less than 75% of the advertised purse.~~

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.

~~(6) When elimination heats are required or specified in the published conditions, such races shall be raced in the following manner, unless conducted under another subrule of this rule:~~

~~(a) Unless otherwise specified in the conditions, the field shall be divided by lot and the first division shall race a qualifying dash for 30% of the purse, the second division shall race a qualifying dash for 30% of the purse, and the horses so qualified shall race in the main event for 40% of the purse. Unless otherwise specified in the conditions, the winner of the main event shall be the race winner.~~

~~(b) If there are more horses declared to start than can be accommodated by the 2 elimination dashes, then enough elimination dashes shall be added to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into 60. The main event shall race for 40% of the purse.~~

~~(c) Unless the conditions provide otherwise, if there are 2 elimination dashes, the first 4 finishers in each dash qualify for the final. If there are 3 or more elimination dashes, not more than 3 horses shall qualify for the final from each qualifying dash. The stewards shall draw the positions in which the horses are to start in the main event, that is, they shall draw positions to determine which of the 2 dash winners shall have the pole, which the second position, which of the 2 horses that have been second shall start in third position, and so on. All elimination dashes and the concluding heat shall be programmed to be raced upon the same day or night, unless special provisions for earlier elimination dashes are set forth in the conditions. Where provisions are made for elimination dashes and the concluding heat on different days, finalists shall reenter and redraw for post positions.~~

~~(d) If there are 3 separate heat or dash winners and they alone come back in order to determine the race winner according to the conditions, they shall take post positions according to the order of their finish in the previous heat or dash.~~

~~R 431.4165 Split races.~~**Rescinded.**

~~Rule 4165. (1) In any race where the number of horses declared in to start exceeds 12 on a half-mile track, 14 on a 5/8-mile track, or 16 on a mile track, unless other numbers are specified in the conditions, the race, at the option of the association, stated before positions are drawn, may be divided by lot and raced in 2 divisions with all heat winners from both divisions competing in a final heat to determine the race winner. Each division shall race 2 heats for 20% of the purse each heat. The remaining 20% of the purse shall go to the winner of the final heat.~~

~~(2) Whatever elimination heats are required or specified in the published conditions of a stake or futurity, such races may be raced on the 3-heat plan, irrespective of any provisions in the conditions to the contrary. That is, the field shall be divided by lot and the first division shall race for 30% of the purse, the second division shall race for 30%, and the horses qualifying in the first and second divisions shall race the third heat for 30% of the purse. If, after the third heat, no horse has won 2 heats, a fourth heat shall be raced only for the heat winners. The race winner shall receive the remaining 10% of the purse. The number of horses qualifying to return after each elimination heat shall be the same as set out in R 431.4170.~~

~~(3) Where qualifying races are provided in the conditions of an early closing event, stake, or futurity, unless specified in the conditions, such qualifying race shall be held not more than 5 days before contesting the main event, excluding Sunday and omitting the day of the race.~~

R 431.4170 Declaration to start; drawing.

Rule 4170. (1) Unless otherwise specified in the conditions, the declaration time ~~shall be~~**is** at the discretion of the **steward**~~association~~.

(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 ~~shall be~~**is** considered to be local time at the track where the race is being **held**~~contested~~.

(4) The association shall provide a locked box with an aperture through which declarations **may**~~shall~~ 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 ~~events~~**races**, or late closing ~~events~~**races** are on the program, the steward present shall check with the racing secretary to ascertain if any declarations made by mail, ~~telegraph,~~ 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 ~~event~~**race**.

(5) The entry box shall be opened **at the advertised time** by the steward~~s~~ **and, if** present, ~~at the advertised time, and the steward shall assure that at least 1 horseman or~~ an official representative of the ~~horseman~~**horsemen's organization** ~~is present~~. 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** ~~mail, telegraph, or telephone~~ 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** ~~Such~~ drawings ~~shall be~~**are** final. Mail, telephone, ~~and telegraph~~ **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 ~~event~~**race** or ~~events~~**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 ~~shall be~~**is** considered a withdrawal from the ~~event~~**race**.

(10) After declaration to start has been made, a horse shall not be ~~drawn~~**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 ~~racing commissioner~~**executive director**.

(12) Drawings ~~shall be~~**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 ~~pari-mutuel~~**race** meetings, entries cannot be accepted without at least 1 satisfactory current charted line on the **electronic** eligibility ~~certificate~~. When an association determines a~~n event~~**race** will be nonbetting, entries may be accepted on a horse without a current charted line. Declarations for overnight **races**~~events~~ 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 ~~certificates~~. Placing a horse on the stewards' list ~~shall~~**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) ~~Track~~ **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) Where a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed, or recorded. This subdivision is not applicable to races qualifying both drivers and horses.~~

(~~i~~**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**~~so as to be~~ joined as a ~~mutual~~**mutuel** entry shall not **both** start in a race to the exclusion of a single interest.

(2) ~~Horses which have common ties through training only, but which have separate and distinct ownership, may, in a stakes race, late or early closing race, futurity, free-for-all, or another special event, at the request of the association, be permitted by the stewards to be entered and run as separate betting interests~~. In races with a purse value of ~~$50,000~~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) A trainer of any horse shall not have an ownership or other interest in any other horse in the same race, unless such horses are coupled as a single betting interest.~~

(**43**) ~~Where no exception exists, all~~ **H**~~h~~orses having common ties through ~~ownership or~~ training **only, but which have separate and distinct ownership, may** be **un**coupled and run ~~as an entry~~ in a race **as separate betting interests** when approved by the stewards.

(~~5~~**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.

(~~6~~**5**) In addition to the provisions of subrule**s** (1) to (~~5~~**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~~, and their positions shall be drawn along with the starters in the race~~. If 1 or more horses are excused by the ~~judges~~**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**~~such~~ a horse shall be notified that the horse is to race and it shall be posted at the ~~racing secretary's~~**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**~~events~~ according to a horse's last previous purse race ~~during the current year~~. If 2 or more horses have the same preference date, ~~the entry will be determined by lot.~~**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 ~~the~~**its** first **lifetime start**~~time in the current year~~, the date of the first **successful qualifying race shall be considered its preference date**~~declaration to a purse race shall be considered its last race date and preference applied accordingly~~. 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~~, except that during the month of January, a horse's last purse race during the previous December will be the horse's preference date~~.

R 431.4195 Stewards' list.

Rule 4195. (1) A horse that is unfit to race because it is dangerous, unmanageable, ~~sick, lame,~~ unable to show a performance to qualify ~~for races~~ 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**~~such~~ horse shall be refused. The owner or trainer shall be notified~~, in writing,~~ of ~~such~~**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 ~~certificate~~ of ~~such~~**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. ~~Stewards shall release horses from the stewards' list in writing.~~ **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~~ and give the driver's colors~~. Drivers may be changed until ~~9 a.m. of the day~~ **a time specified by the stewards.**~~preceding the race or until program information is to be printed, whichever comes first, after which~~ **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 ~~Weather-related track conditions~~**Rescinded**.

~~Rule 4205. (1) In case of questionable track conditions due to weather, the stewards shall call a meeting of a committee which consists of an agent of the association, a representative of the certified horsemen's organization, and 1 steward.~~

~~(2) Upon unanimous decision by this committee that track conditions are unsafe for racing, all races shall be canceled.~~

~~(3) Upon unanimous decision by this committee that track conditions are safe for racing, only permitted withdrawals for the safety of the horse and participants shall be allowed by the stewards.~~

~~(4) Upon majority decision by this committee that track conditions are not safe for racing, only permitted withdrawals for the safety of the horse and participants shall be allowed by the stewards and the stewards shall be allowed to cancel or postpone races in the following manner:~~

~~(a) Overnight events. All remaining overnight events for the program in question may be cancelled.~~

~~(b) Stake, futurities, early-late closing, invitational and other special events. The track association, with consent of the stewards, after consultation with horsemen representative designated in subrule (1) of this rule, may cancel or postpone special events to a definite day and time not to exceed 7 calendar days from the date of the original postponement. In the event of cancellation, all nominating, sustaining, and starting fees shall be divided equally among remaining eligible entrants.~~

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 ~~track~~**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 ~~track~~**race course**s, 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 point marked on the inside rail~~ 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) ~~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 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 starter shall use his or her discretion to close the wings of the gate.~~ **Before giving the word "go," the official starter shall endeavor to get all horses away in position and on gait.**

(2) ~~There shall not be a recall after the word "go" has been given, and any horse, regardless of its position or occurrence of an accident, shall be deemed a starter from the time it entered in to the starter's control, unless dismissed by the starter.~~**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) ~~The starter shall endeavor to get all horses away in position and on gait, but there shall be no recall for a breaking horse. The starter shall sound a recall only 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 starter notices.~~

~~(d) A horse falls before the word "go" is given.~~

~~(e) A horse refuses to turn or come to the gate.~~

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) ~~If any of the reasons noted in subrule (3) of this rule occurs and the starter fails to sound a recall, for whatever reason, then the offending horse or horses may be deemed 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.~~ **There shall be no recall for a breaking horse.**

(5) ~~The starter may, at any time before the word "go" is given, order a recall and restart the race. If a second recall is sounded for the same horse or horses for any occurrences noted in subrule (3) of this rule in the same race, that horse or horses shall be ordered dismissed and wagers on that horse or horses shall be refunded.~~ **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) Horses awaiting post time may be held on the backstretch for not more than 2 minutes, except when delayed by an emergency.~~

(**43**) 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**~~such~~ 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 ~~track~~**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 ~~such other~~**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**~~, the starter shall notify the stewards and the stewards shall in turn 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 ~~racing commissioner~~**executive director** ~~shall be~~**is** required to obtain a license from the ~~racing commissioner~~**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), ~~or~~ P (provisional) **or Q (qualifier)** license issued by the United States ~~t~~**T**rotting ~~a~~**A**ssociation, or comparable licensing issued by ~~the~~ **Standardbred Canada**~~Canadian trotting association~~.

(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. ~~Such~~**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 ~~t~~**T**rotting ~~a~~**A**ssociation or **Standardbred Canada**~~Canadian trotting association~~, 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 ~~such~~ persons driving in races on a track licensed by the ~~racing commissioner~~**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**~~provisional~~ license shall not be considered for advancement to ~~a~~ **an A**~~full~~ 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 ~~(provisional)~~ 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 ~~(provisional)~~ license, but had not less than 50 satisfactory pari-mutuel starts and the written approval from the stewards at a recognized **meet**~~meeting~~.

(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 ~~shall be considered~~**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 ~~track~~**race course**, the stewards may order ~~such~~**the** person to submit to a physical examination, and ~~such~~**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~~that are expressly authorized by the rules~~.

(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) Use or possession of controlled substances.~~

(~~e~~**d**) Appearing in the paddock in an unfit condition to drive.

(~~f~~**e**) Fighting.

(~~g~~**f**) Assaults.

(~~h~~**g**) Offensive and profane language.

(~~i~~**h**) Smoking on the track **wearing colors**~~in silks~~ during actual racing hours.

(~~j~~**i**) Warming up a horse before racing without **wearing colors**~~silks~~.

(~~k~~**j**) Disturbing the peace.

(~~l~~**k**) Refusal to take a breathalyzer test when directed by the stewards.

(~~m~~**l**) Using abusive language when addressing, or showing disrespect toward, a racing official or representative of the office of ~~racing commissioner~~**executive director**.

(~~n~~**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 ~~track~~**course** unless he or she is wearing **an approved safety vest and an approved**~~a type of~~ protective helmet **with** ~~which is constructed with a hard shell of compatible colors and which contains adequate padding and a~~ chin strap in place.

(6) A driver wearing colors who appears at a betting window, a bar, or a restaurant dispensing alcoholic beverages ~~shall~~**may** be **subject to disciplinary action**~~penalized~~.

(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 ~~t~~**T**rotting ~~a~~**A**ssociation. 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 ~~track~~**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** ~~the~~ horse ~~behind him or her~~to shorten its stride or causes the driver of **the**~~such~~ 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 ~~such~~ 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.

~~(l) Whip under the arch of the sulky, which shall be considered a major violation.~~

(m) Fail to set and maintain a pace which is reasonable for that class of horse.

(2) All **objections**~~complaints~~ 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**~~complaint of a violation~~ of the rules shall, before dismounting, indicate to the **official starter**~~stewards~~ or the patrol judge his or her desire to enter ~~such~~**the** objection ~~or complaint~~ and shall ~~forthwith,~~**immediately**, upon dismounting, proceed to the telephone ~~or stewards' stand~~, where such objection ~~or complaint~~ shall be immediately entered. The stewards shall not cause the “official” sign to be displayed until the objection ~~or complaint~~ 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) ~~Loud shouting or other improper conduct is forbidden in a race.After the word "go" is given, both feet of a driver shall be kept in the stirrups until after the finish of the race.~~**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.

(~~11~~**12**) Drivers ~~shall be~~**are** allowed whips that do not exceed 4 feet, 8 inches in length and ~~shall be~~**are** allowed snappers that are not longer than 8 inches.

~~(12) The use of any goading device, chain, or mechanical device or appliance, other than the ordinary whip or crop, upon any horse in any race shall constitute a violation of this rule.~~

~~(13) The brutal use of a whip or crop; punching, jabbing, or kicking a horse; or using a whip so as to interfere with, or cause a disturbance to, any other horse or driver in a race is prohibited and shall be considered a violation of this rule. Welts, cuts, or whip marks on a horse resulting from whipping shall constitute a prima facie violation of thissubrule.~~

(~~14~~**13**) A horse shall not wear ~~hopples~~**hobbles** in a race unless it starts in ~~hopples~~**hobbles** in the first heat, and having so started, it shall continue to wear ~~hopples~~**hobbles** to the finish of the race. Any person found guilty of removing or altering a horse's ~~hopples~~**hobbles** during a race or between races for the purpose of fraud shall be **subject to disciplinary action,** ~~suspended or~~ expelled**, or ruled off**. Any horse which habitually races free-legged **or with hobbles shall be required to do so unless requalifying**~~shall not be permitted to wear hopples in a race, except with the permission of the stewards~~. A horse shall not ~~be permitted to~~ 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 ~~considered to be~~ 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 **sufficien**t ground by the break.

~~(d) Failure to have a horse on gait at the finish wire.~~

(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**~~liable to the penalties provided in these rules for fraud and fouls~~.

(6) ~~It shall be the duty of 1~~**One** of the stewards ~~to~~**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 ~~shall~~ have the exclusive right of the course and other horses shall vacate the ~~track~~**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 ~~deem~~**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**~~decided~~, 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 ~~racing commissioner~~**executive director**, the distance of a race ~~track~~**course** licensed by the ~~racing commissioner~~**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~~, unless a horse is declared a winner by reason of the disqualification of a breaking horse on which it was lapped~~.

(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.

~~(8) Time trial performances may be permitted during or after a regularly scheduled meeting if a full complement of licensed officials is in the stewards' stand.~~

~~(9) Time trial performances are limited for 2-year-olds who go to equal or to beat 2:10 and for 3-year-olds and over who go to equal or beat 2:05.Time trial performance records shall not be included in the performance lines in a race program. A break during a time trial is a losing performance and shall not constitute a record.~~

R 431.4285 Trainers; licensing.

Rule 4285. (1) ~~In addition to the general licensing requirements of the racing commissioner, an~~**An** applicant for a trainer's license shall satisfy the stewards, in **the**~~such~~ 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 physically and mentally competent to train.~~

(**c**~~d~~) 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 ~~t~~**T**rotting ~~a~~**A**ssociation examination or an examination given by the stewards.

~~(3) When requested, an applicant for a trainer's license shall submit evidence of physical ability or submit to a physical examination, or shall do both.~~

(**3**~~4~~) 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**~~5~~) 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**~~6~~) A horse shall not start unless the trainer and the owner are licensed by the ~~racing commissioner~~**executive director**. A trainer **and assistant trainer** who ~~is~~**are** 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 licensed trainer to assume complete responsibility for the horses being entered or running. ~~Such~~**The** licensed trainer shall sign, in the presence of the stewards, a form furnished by the ~~racing commissioner~~**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 ~~racing commissioner~~**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; or

(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.

NOTICE OF PUBLIC HEARING

Department of Treasury
Michigan Gaming Control Board
Administrative Rules for Horse Racing General Rules
Rule Set 2020-38 TY

NOTICE OF PUBLIC HEARING
Wednesday, December 16, 2020
09:00 AM

The public hearing will be held virtually via Microsoft Teams in order to receive public comments while complying with statutorily required measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID-19).
Web Link: https://bit.ly/3fd0RcS Phone number: 248-509-0316. When prompted, please enter the following conference ID: 239 879 408#

The Department of Treasury will hold a public hearing to receive public comments on proposed changes to the Horse Racing General Rules rule set.

The rules are designed to promote a safe, responsible, fair, and legal system of horse racing, pari-mutuel wagering, and simulcasting in this State. The changes are being made to increase safety, create the least burdensome alternative for those required to comply, and provide process clarifications and improvements for consistency with industry practices. The rules also include provisions for third-party facilitators (TPF). These rules include term definitions, licensing provisions, account operations, and penalties for failing to comply, providing false information, or posing a threat to the integrity of racing.

These rules are promulgated under § 7(1) of Horse Racing Law of 1995, as amended, which states the racing commissioner may promulgate rules pursuant to the administrative procedures act of 1969 for conducting horse racing, pari-mutuel wagering on horse racing results, and simulcasting. MCL 431.307 (1). These rules become effective immediately upon filing with the Secretary of State These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 12/15/2020 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Treasury
Michigan Gaming Control Board

Wendy Harns
Michigan Gaming Control Board, PO Box 30786, Lansing, Michigan 48909
Email: MGCB-Rules@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 12/16/2020 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 313-456-4205 to make arrangements.

EMERGENCY RULES

MCL 24.248 states:

"Sec. 48. (1) If an agency finds that preservation of the public health, safety, or welfare requires promulgation of an emergency rule without following the notice and participation procedures required by sections 41 and 42 and states in the rule the agency's reasons for that finding, and the governor concurs in the finding of emergency, the agency may dispense with all or part of the procedures and file in the office of the secretary of state the copies prescribed by section 46 indorsed as an emergency rule, to 3 of which copies shall be attached the certificates prescribed by section 45 and the governor's certificate concurring in the finding of emergency. The emergency rule is effective on filing and remains in effect until a date fixed in the rule or 6 months after the date of its filing, whichever is earlier. The rule may be extended once for not more than 6 months by the filing of a governor's certificate of the need for the extension with the office of the secretary of state before expiration of the emergency rule. An emergency rule shall not be numbered and shall not be compiled in the Michigan Administrative Code*, but shall be noted in the annual supplement to the code. The emergency rule shall be published in the Michigan register pursuant to section 8.*
(2) If the agency desires to promulgate an identical or similar rule with an effectiveness beyond the final effective date of an emergency rule, the agency shall comply with the procedures prescribed by this act for the processing of a rule which is not an emergency rule. The rule shall be published in the Michigan register and in the code."

EMERGENCY RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

EMERGENCY RULE
AMENDING R 484.803, R 484.804, AND R 484.805

Filed with the secretary of state on November 23, 2020

This rule takes effect upon filing with the secretary of state and remains in effect until January 2, 2021.

(By the authority conferred on the public service commission by sections 408(4)(c) and 413 of the emergency 9-1-1 service enabling act, 1986 PA 32, MCL 484.1408 and 484.1413; and section 48 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.248)

FINDING OF EMERGENCY

This emergency rule is promulgated by the public service commission to suspend the deadlines for telecommunicators and trainee telecommunicators (telecommunicators) who are employed by primary public safety answering points to complete training modules or continuing education under R 484.803, R 484.804, and R 484.805 of the Michigan Administrative Code.

On March 10, 2020, Governor Gretchen Whitmer declared a state of emergency in response to the novel coronavirus (COVID-19) pandemic. Due to the risk of the transmission of this virus and the widespread and severe health harms posed by the COVID-19 pandemic, 9-1-1 telecommunicators have been unable to complete training modules, or continuing education requirements. According to the State 911 Committee (SNC), it has been necessary to develop and approve virtual training and allow 9-1-1 centers to schedule times for staff to attend. At a recent COVID-19 update press conference held on November 12, 2020, the state reported a single-day high of 6,940 COVID-19 cases and the Governor indicated the virus is spreading rapidly everywhere in Michigan. At this same press conference, Michigan's Chief Medical Executive stated that this virus is out of control.

On October 2, 2020, in *In re Certified Questions from the United States District Court, Western District of Michigan, Southern Division, (Midwest Institute of Health, PLLC v Governor)*, ___ Mich ___; ___NW2d ___ (2020) (Docket No. 161492) (October 2 ruling), the Michigan Supreme Court concluded that the Governor did not have authority under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, to issue or renew executive orders beyond April 30, 2020, related to the COVID-19 pandemic, nor did the Governor have such authority under the emergency powers of the governor act, 1945 PA 302, MCL 10.31 to 10.33, because the act unlawfully delegates legislative power to the executive branch in violation of the Michigan Constitution. Thus, the Court held that executive orders issued by the Governor in response to the COVID-19 pandemic, including those allowing for suspension of any deadlines for telecommunicators to complete training modules or continuing education, now lack any basis under Michigan law.

On November 10, 2020, a letter was sent from the SNC to the Commission requesting that the Commission suspend compliance requirements for telecommunicator training. As a result of the Court's October 2 ruling, the SNC stated in the letter that a significant number of telecommunicators are delinquent in completing required training, and many more will become delinquent very soon. According to the SNC's letter, the process to address the large number of delinquencies under the current administrative rules would present a time-consuming and unnecessary hardship on the 9-1-1 centers, the State 9-1-1 Office, and the SNC. A copy of the November 10th letter is on file with the Commission.

More importantly, if a designated telecommunicator fails to complete the training required under current administrative rules, the SNC must issue a noncompliance notification to the employing agency and inform the employing agency that the designated telecommunicator is now an undesignated telecommunicator. Under R 484.802(l) of the Michigan Administrative Code, an undesignated telecommunicator is not able to perform dispatch duties except in an exigent circumstance. "Exigent circumstance" is defined in R 484.802(f) as a crisis situation lasting not more than 2 hours that may arise with little or no notice, in which the 9-1-1 calls cannot be managed without using a delinquent or undesignated telecommunicator.

The prospect of a substantial number of Michigan telecommunicators becoming undesignated raises significant concerns regarding the public health, safety, and welfare. If the noncompliance notification process is followed, the SNC reported that more than 500 9-1-1 telecommunicators would be in the process of becoming undesignated by the end of 2020, which would render them unable to answer 9-1-1 calls and perform emergent duties. If 500 or more telecommunicators were to become undesignated, public safety answering points would be dangerously stressed. To protect the public health, safety, and welfare, the SNC has requested that the Commission issue an emergency rule suspending the deadlines for telecommunicators to complete training modules or continuing education required under R 484.803, R 484.804, and R 484.805 of the Michigan Administrative Code, through January 1, 2021.

The Commission is very concerned that more than 500 telecommunicators may become undesignated and thus unable to answer 9-1-1 calls if the deadlines to complete required training modules or continuing education are not suspended. The loss of the dispatching services of that many telecommunicators will significantly harm the answering and dispatching of 9-1-1 calls and negatively affect Michigan residents' health, safety, and welfare. Furthermore, if the notice and participation procedures required under sections 41 and 42 of the administrative procedures act of 1969 (APA), 1969 PA 306, MCL 24.241 and 24.242, were to be followed, the modification or suspension of the training requirements for telecommunicators would not be accomplished in time to prevent the potential of more than 500 telecommunicators becoming undesignated by the end of 2020.

The Commission, therefore, finds that the preservation of the public health, safety, and welfare requires the promulgation of an emergency rule as provided for in section 48 of the APA, MCL 24.248, without following the notice and participation procedures required by sections 41 and 42 of the APA, MCL 24.241 and 24.242. The emergency rule is being promulgated to suspend any deadlines for telecommunicators who are employed by primary public safety answering points to complete training modules or continuing education under R 484.803, R 484.804, and R 484.805 of the Michigan Administrative Code, until January 2, 2021, for those telecommunicators who are unable to complete such requirements due to the COVID-19 pandemic.

The public service commission adopts the following emergency rule.

Rule 1. Suspension of Deadlines.
Any deadlines for telecommunicators and trainee telecommunicators who are employed by primary public safety answering points to complete training modules or continuing education under R 484.803, R 484.804, and R 484.805 are suspended until January 2, 2021, for those telecommunicators and trainee telecommunicators who are unable to complete such requirements due to the COVID-19 pandemic.

MICHIGAN PUBLIC SERVICE COMMISSION

_____
Daniel C. Scripps, Chair

_____
Sally A. Talberg, Commissioner

_____
Tremaine L. Phillips, Commissioner

By its action of

_____
Lisa Felice, Executive Secretary

Pursuant to Section 48(1) of the administrative procedures act of 1969, 1969 PA 306, as amended, MCL 24.248(1), I hereby concur in the finding of the public service commission that circumstances creating an emergency have occurred and the promulgation of the above rule is required for the preservation of the public health, safety, and welfare.

_____ _____
Gretchen Whitmer, Governor Date

NOTICE OF PROPOSED AND ADOPTED AGENCY GUIDELINES

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:

* * *

(h) Notice of proposed and adopted agency guidelines."

NOTICE OF PROPOSED AND ADOPTED AGENCY GUIDELINES

Michigan State Tax Commission

Notice of Adopted Guideline

Issued pursuant to Section 10g, 2018 PA 660, being MCL 211.10g

AGENCY GUIDELINE PROCEDURES

"Guideline" means an agency statement or declaration of policy which the agency intends to follow, which does not have the force or effect of law, and which binds the agency but does not bind any other person.

I) Summary of adopted guidelines, including the subjects and issues involved:

2018 PA 660, MCL 211.10g(6), provides that the State Tax Commission adopt and publish guidelines to implement this section. The guidelines shall include, at a minimum, minimum standards and model policies to be followed for substantial compliance with the requirements of subsection (1), MCL 211.10g(1), and shall identify those deficiencies that may lead to a finding of noncompliance and those deficiencies that are technical. The State Tax Commission may update the guidelines as needed to implement this section. These guidelines are to be adopted and published not later than 2 years after the effective date of the amendatory act that added this section, such date being December 28, 2018.

The adopted guideline reads as follows:

STC Guideline 2020-1

GUIDELINE APPLICABLE TO AUDIT PROCEDURES

This guideline applies to the State Tax Commission's audit procedures to ensure minimum standards and model policies are followed by all assessing districts related to substantial compliance with the requirements of the General Property Tax Act, 1893 PA 206, as amended, Section 10g, Subsection (1), MCL 211.10g(1), identification by the State Tax Commission through the audit procedures of deficiencies that may lead to a finding of noncompliance and identification of deficiencies that are technical.

Deficiencies resulting in a finding of noncompliance

The following items are required for each assessing district under Section 10g, Subsection (1), MCL 211.10g(1). Should the audit determination indicate that an assessing district failed to have an item a finding of noncompliance will be made. Further, failure to provide the necessary database or supporting documentation by the deadline stated in the audit will result in an automatic finding of noncompliance. If there is a finding of noncompliance, the State Tax Commission will issue a notice of noncompliance in accordance with the provisions of Section 10g, Subsection (3) MCL 211.10g(3).

1. Properly developed and documented land values

   Assessing district will provide a land value analysis for each land table within each class found in the assessing district to ensure that the rates have been properly developed and meet State Tax Commission requirements per MCL 211.10e and State Tax Commission Land Value

Determination Publications. The assessing district will also provide the computer assisted mass appraisal software database to ensure that only the concluded rates are used in the database and that there are less than 1% of land adjustments without reason. A finding of noncompliance will be made by the Commission if the assessing district does not have a properly developed and documented land value study for each table within each class found in the assessing district or the database contains rates that have not been documented in the land analysis or there are more than 1% of land adjustments without reason found or no database is provided.

2. An assessment database for which not more than 1% of parcels are in override

   Assessing district will provide the computer assisted mass appraisal software database to ensure that not more than 1% of parcels are in override and that less than 1% of parcels utilize a flat land value. A finding of noncompliance will be made by the Commission if more than 1% of parcels are in override or more than 1% of parcels utilize a flat land value within the database or no database is provided.

3. Properly developed and documented economic condition factors

   Assessing district will provide an economic condition factor analysis for each determined neighborhood within each class that contain improvements, found in the assessing district to ensure that the factors have been properly developed and meet State Tax Commission requirements per MCL 211.10e and State Tax Commission Economic Condition Factor publications. The assessing district will also provide the computer assisted mass appraisal software database to ensure that only the concluded factors are used in the database. A finding of noncompliance will be made by the Commission if the assessing district does not have a properly developed and documented economic condition factor study for each determined neighborhood within each class, that contain improvements, found in the assessing district or the database contains factors that have not been documented in the economic condition factor analysis or no database is provided.

Technical Deficiencies

The following items are required for each assessing district under Section 10g, Subsection (1), MCL 211.10g(1). Should the audit determination indicate that an assessing district failed to have an item this will be determined to be a technical deficiency. If there are any technical deficiencies, the State Tax Commission will review the deficiencies and any assessing district having four (4) or more technical deficiencies will be required to submit a corrective action plan. For any items in statute that are listed below as a technical deficiency requiring a “policy” or a “process” the audit will review whether or not the assessing district has a written policy or written process that adequately describes the actions to be taken. For any items in statute that are listed below as a technical deficiency requiring a “published policy” the audit will review whether or not the assessing district has a written policy that can be printed or otherwise made available to the public upon request and that is posted on the assessing district’s website.

1. Employ or contract with an assessor of record that oversees and administers an annual assessment of all property liable to taxation in the assessing district in accordance with the constitution and laws of this state.
2. Use a computer-assisted mass appraisal system that is approved by the State Tax Commission as having sufficient software capabilities and to store and back up necessary data.

3. Subject to State Tax Commission guidelines, have and follow a published policy under which its assessor's office is reasonably accessible to taxpayers. The policy must include, at a minimum, the items in subparagraphs (i) to (iv) and should include the item in subparagraph (v) as follows:
    i. A designation, by name, telephone number, and electronic mail address, of at least 1 official or employee in the assessor's office to whom taxpayer inquiries may be submitted directly by telephone or electronic mail.
    ii. An estimated response time for taxpayer inquiries submitted under subparagraph (i), not to exceed 7 business days.
    iii. Information about how a taxpayer may arrange a meeting with an official or employee of the assessor's office for purposes of discussing an inquiry in person.
    iv. Information about how requests for inspection or production of records maintained by the assessor's office should be made by a taxpayer and how those requests will be handled by the assessor's office.
    v. Information about any process that the assessor's office may have to informally hear and resolve disputes brought by taxpayers before the March meeting of the board of review.
4. If a city or township building within the assessing district is in an area with broadband internet access, provide taxpayers online access to information regarding its assessment services, including, but not limited to, parcel information, land value studies and documentation, and economic condition factors.
5. Include the name, telephone number, and electronic mail address of at least 1 official or employee in the assessor's office to whom taxpayer inquiries may be submitted directly by telephone or electronic mail in notices to taxpayers concerning assessment changes and exemption determinations, including, but not limited to, notices issued under MCL 211.24c.
6. Ensure that support staff is sufficiently trained to respond to taxpayer inquiries, require that the assessor maintains certification levels, and require that its board of review members receive board of review training and updates required and approved by the State Tax Commission.
7. Comply with MCL 211.44(4) with respect to any property tax administration fee collected under section 44.
8. Have a policy in place for conducting the annual personal property canvass and sufficient personal property records according to developed policy and statutory requirements.
9. A Board of Review that operates in accordance with the General Property Tax Act, MCL 211.1 to 211.157. This includes ensuring that Boards of Review are acting within their statutory authorities.
10. An adequate process for determining whether to grant or deny exemptions according to statutory requirements.
11. An adequate process for meeting the requirements outlined in the State Tax Commission's publication entitled, "Supervising Preparation of the Assessment Roll", as those requirements existed on October 1, 2018.
12. Comply with any other requirement that the State Tax Commission lawfully promulgates under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in the exercise of its authority that expressly states that it is intended as an additional audit requirement under MCL 211.10g(1).

II) Effective date.

November 19, 2020

NOTICE OF PROPOSED AND ADOPTED AGENCY GUIDELINES

Michigan State Tax Commission

Notice of Adopted Guideline
Issued pursuant to Section 10g, 2018 PA 660, being MCL 211.10g

AGENCY GUIDELINE PROCEDURES

"Guideline" means an agency statement or declaration of policy which the agency intends to follow, which does not have the force or effect or law, and which binds the agency but does not bind any other person.

I) Summary of adopted guidelines, including the subjects and issues involved:

2018 PA 660, MCL 211.10g(6), provides that the State Tax Commission adopt and publish guidelines to implement this section. The guidelines shall include, at a minimum, minimum standards and model policies to be followed for substantial compliance with the requirements of subsection (1), MCL 211.10g(1), and shall identify those deficiencies that may lead to a finding of noncompliance and those deficiencies that are technical. The State Tax Commission may update the guidelines as needed to implement this section. These guidelines are to be adopted and published not later than 2 years after the effective date of the amendatory act that added this section, such date being December 28, 2018. MCL 211.10g(3)(j) provides that the State Tax Commission shall develop guidelines, which, at a minimum, shall provide for the ability of an assessing district to protest a charge to the State Tax Commission and the ability of the State Tax Commission to resolve disputes between the designated assessor and the assessing district regarding costs and charges.

The adopted guideline reads as follows:

STC Guideline 2020-2

GUIDELINE APPLICABLE TO RESOLUTION OF DISPUTES BETWEEN THE ASSESSING DISTRICT AND THE DESIGNATED ASSESSOR REGARDING COSTS AND CHARGES

This guideline applies to the State Tax Commission's authority to resolve disputes between the assessing district and the designated assessor regarding cost and charges as provided in the General Property Tax Act, 1893 PA 206 as amended, Section 10g, Subsection 3, MCL 211.10g(3). The Commission shall utilize the following process for the filing and resolution of these disputes.

1. An assessing district that is required to contract with the designated assessor will be responsible for payment of the reasonable costs incurred by the designated assessor in serving as the assessor of record. These costs include, but are not limited to, the costs of overseeing and administering the annual assessment roll, preparing and defending the assessment roll, and operating the assessing office.

2. An assessing district who has contracted with the designated assessor and has been billed for costs incurred by the designated assessor may protest the costs charged by the designated assessor to the State Tax Commission. All protests of costs and charges must be submitted in writing to the State Tax Commission by the assessing district, must be dated and must be signed by the highest elected official of the assessing district.

3. The assessing district shall pay the uncontested portion of the costs charged by the designated assessor prior to filing a written protest with the State Tax Commission.

4. The assessing district must provide with their written protest adequate documentation to support the protest. The supporting documentation must include a signed copy of the interlocal agreement, a copy of any contract or other executed employment agreement between the assessing district and designated assessor, and a copy of the bill, invoice or other document from the designated assessor submitted to the assessing district stating the costs and charges in dispute.

5. A written protest shall be submitted by the assessing district to the State Tax Commission and must be received by the State Tax Commission within 60 days from the date of the bill, invoice or other document from the designated assessor submitted to the assessing district stating the costs and charges in dispute. Written protests received by the State Tax Commission more than 60 days from the date of the bill, invoice or other document from the designated assessor submitted to the assessing district will not be processed by the State Tax Commission.

6. The written protest must include an explanation of the reason(s) why the assessing district disputes the charge and support for an alternate charge the assessing district believes it should pay.

7. Written protests will be reviewed by State Tax Commission staff. If insufficient documentation was provided by the assessing district, the assessing district will be notified in writing and will be permitted to submit adequate documentation to the State Tax Commission within 30 days of the written notice. If adequate documentation is not submitted within the deadline, staff will recommend that the State Tax Commission dismiss the protest.

8. Once a protest with sufficient documentation is received, the designated assessor will be notified of the protest and provided an opportunity to submit a written response. The designated assessor will be provided a copy of the protest and supporting documentation submitted by the assessing district. The written response from the designated assessor shall be submitted to the State Tax Commission within 30 days of the date of notification. Failure of the designated assessor to submit a written response within 30 days of the date of notification will result in the matter being reviewed and recommended to the State Tax Commission for review and decision without information from the designated assessor.

9. Following receipt of the written protest and response, an informal hearing will be scheduled before a Designated Assessor Advisory Committee, comprised of the State Tax Commission Executive Director, two staff members and two certified assessors. The Designated Assessor Advisory Committee will meet with the representative for the local unit and the designated assessor to address the specific allegations made regarding the disputed costs and charges. Notice of the informal hearing shall be sent at least 28 days prior to the scheduled date.

10. After the informal hearing, the Designated Assessor Advisory Committee shall propose further action. The Designated Assessor Advisory Committee's proposed action will be sent to the local unit and the

designated assessor within 21 days of the informal hearing in the form of a proposed consent agreement. The local unit and the designated assessor shall have 21 days to accept the proposal in writing or to present a written counter-proposal. If a proposed consent agreement is reached, that proposed consent agreement shall be forwarded to the State Tax Commission for review and decision.

11. If no written response to the proposed action is received within 21 days, the lack of response will be treated as a rejection and the matter will be forwarded to the State Tax Commission for a decision.

12. If the local unit or the designated assessor rejects the proposal or presents a counter-proposal, State Tax Commission staff will prepare a recommendation and forward the matter to the State Tax Commission for a decision. The State Tax Commission may dismiss the protest, reject the proposed consent agreement, accept the counter-proposal, or refer the protest for a formal hearing. If no consent agreement is entered the State Tax Commission shall either dismiss the protest or refer the protest for a formal hearing before the Michigan Office of Administrative Hearings and Rules (MOAHR).

13. If the Commission refers the petition to MOAHR for a formal hearing, the Commission shall send MOAHR a request to hold the formal hearing as a contested case hearing.

14. The MOAHR Administrative Law Judge will schedule a hearing, hold a hearing and prepare a Proposal for Decision to the Commission. The Commission shall consider the petition, response, any staff recommendations, the facts and conclusions of law established at the MOAHR hearing, the recommendations from MOAHR, any timely exceptions to the Proposal for Decision submitted to MOAHR, and any proposed consent agreement and staff response before making a final decision at a Commission meeting.

15. The Commission's final decision shall be written and is subject to appeal as provided by the Administrative Procedures Act (APA) of 1969, MCL 24.201 to 24.328.

II) Effective date.

November 19, 2020

MICHIGAN ADMINISTRATIVE CODE TABLE
(2020 SESSION)

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:

* * *

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

The following table cites administrative rules promulgated during the year 2020, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2020 RULE FILINGS)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
Rule 1	E	3	38.132	*	3	285.629.6	A	7
Rule 2	E	3	38.133	*	3	285.629.7	A	7
Rule 3	E	3	38.135	*	3	285.629.8	A	7
Rule 4	E	3	38.139	R	3	325.1001	R	4
Rule 5	E	3	38.141	*	3	325.1002	R	4
Rule 6	E	3	38.142	*	3	325.1003	R	4
Rule 7	E	3	38.143	*	3	325.1004	R	4
Rule 8	E	3	38.144	R	3	325.1005	R	4
Rule 9	E	3	38.145	*	3	325.1021	R	4
Rule 1	E	5	38.146	*	3	325.1022	R	4
Rule 2	E	5	38.147	*	3	325.1023	R	4
Rule 3	E	5	38.148	*	3	325.1024	R	4
Rule 4	E	5	38.149	*	3	325.1025	R	4
Rule 5	E	5	38.151	*	3	325.1026	R	4
Rule 6	E	5	38.152	*	3	325.1027	R	4
Rule 7	E	5	38.153	*	3	325.1028	R	4
Rule 8	E	5	38.155	*	3	325.1051	R	4
Rule 1	E	5	38.156	*	3	325.1052	R	4
Rule 2	E	5	38.157	*	3	325.1053	R	4
Rule 1	E	6	38.161	*	3	325.1054	R	4
Rule 2	E	6	38.162	*	3	325.1055	R	4
Rule 3	E	6	38.163	R	3	325.1056	R	4
Rule 1	E	6	38.165	R	3	325.1057	R	4
Rule 1	E	10	38.171	R	3	325.1058	R	4
Rule 2	E	10	38.172	*	3	325.1059	R	4
Rule 1	E	10	38.173	*	3	325.1071	R	4
Rule 2	E	10	38.174	*	3	325.1081	R	4
Rule 3	E	10	38.175	*	3	325.1100	R	4
Rule 4	E	10	38.176	*	3	325.1213	R	4
Rule 5	E	10	38.177	*	3	325.1214	R	4
Rule 1	E	10	38.179	*	3	325.1215	R	4
Rule 2	E	10	205.141	A	3	325.1216	R	4
Rule 3	E	10	205.150	A	3	325.1217	R	4
Rule 4	E	10	205.151	A	3	325.1281	R	4
Rule 5	E	10	285.629.1	A	7	325.1282	R	4
Rule 6	E	10	285.629.2	A	7	325.3801	R	4
Rule 1	E	10	285.629.3	A	7	325.3802	R	4
Rule 2	E	10	285.629.4	A	7	325.3803	R	4
38.131	*	3	285.629.5	A	7	325.3811	R	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.3812	R	4	325.3871	R	4	325.13505	R	4
325.3813	R	4	325.3872	R	4	325.13507	R	4
325.3815	R	4	325.3873	R	4	325.13509	R	4
325.3816	R	4	325.3874	R	4	325.13511	R	4
325.3820	R	4	325.3877	R	4	325.13513	R	4
325.3822	R	4	325.9081	*	3	325.13515	R	4
325.3825	R	4	325.9082	*	3	325.13517	R	4
325.3826	R	4	325.9083	*	3	325.13519	R	4
325.3827	R	4	325.9084	*	3	325.13521	R	4
325.3828	R	4	325.9085	*	3	325.13523	R	4
325.3831	R	4	325.9086	*	3	325.13525	R	4
325.3832	R	4	325.13101	R	4	325.13527	R	4
325.3833	R	4	325.13102	R	4	325.13529	R	4
325.3834	R	4	325.13104	R	4	325.13531	R	4
325.3835	R	4	325.13105	R	4	325.13533	R	4
325.3836	R	4	325.13106	R	4	325.13535	R	4
325.3837	R	4	325.13107	R	4	325.13537	R	4
325.3838	R	4	325.13108	R	4	325.13539	R	4
325.3839	R	4	325.13109	R	4	325.13541	R	4
325.3840	R	4	325.13111	R	4	325.20101	R	4
325.3841	R	4	325.13112	R	4	325.20102	R	4
325.3842	R	4	325.13201	R	4	325.20103	R	4
325.3843	R	4	325.13203	R	4	325.20104	R	4
325.3844	R	4	325.13204	R	4	325.20106	R	4
325.3845	R	4	325.13205	R	4	325.20107	R	4
325.3846	R	4	325.13207	R	4	325.20108	R	4
325.3847	R	4	325.13208	R	4	325.20109	R	4
325.3848	R	4	325.13211	R	4	325.20110	R	4
325.3855	R	4	325.13213	R	4	325.20111	R	4
325.3856	R	4	325.13301	R	4	325.20112	R	4
325.3857	R	4	325.13302	R	4	325.20113	R	4
325.3858	R	4	325.13304	R	4	325.20114	R	4
325.3859	R	4	325.13305	R	4	325.20115	R	4
325.3860	R	4	325.13306	R	4	325.20116	R	4
325.3866	R	4	325.13307	R	4	325.20117	R	4
325.3867	R	4	325.13308	R	4	325.20201	R	4
325.3868	R	4	325.13309	R	4	325.20202	R	4
325.3868a	R	4	325.13501	R	4	325.20203	R	4
325.3869	R	4	325.13503	R	4	325.20204	R	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.20205	R	4	325.20703	R	4	325.21305	R	4
325.20206	R	4	325.20704	R	4	325.21306	R	4
325.20207	R	4	325.20705	R	4	325.21307	R	4
325.20208	R	4	325.20706	R	4	325.21308	R	4
325.20209	R	4	325.20707	R	4	325.21309	R	4
325.20210	R	4	325.20708	R	4	325.21310	R	4
325.20211	R	4	325.20709	R	4	325.21311	R	4
325.20212	R	4	325.20710	R	4	325.21312	R	4
325.20213	R	4	325.20711	R	4	325.21313	R	4
325.20214	R	4	325.20712	R	4	325.21314	R	4
325.20215	R	4	325.20713	R	4	325.21315	R	4
325.20301	R	4	325.20714	R	4	325.21316	R	4
325.20302	R	4	325.20801	R	4	325.21317	R	4
325.20303	R	4	325.20802	R	4	325.21318	R	4
325.20304	R	4	325.20803	R	4	325.21319	R	4
325.20401	R	4	325.20804	R	4	325.21320	R	4
325.20402	R	4	325.20805	R	4	325.21321	R	4
325.20403	R	4	325.20806	R	4	325.21322	R	4
325.20404	R	4	325.20901	R	4	325.21323	R	4
325.20405	R	4	325.20902	R	4	325.21324	R	4
325.20406	R	4	325.20903	R	4	325.21325	R	4
325.20407	R	4	325.20904	R	4	325.21326	R	4
325.20501	R	4	325.20905	R	4	325.21327	R	4
325.20502	R	4	325.20906	R	4	325.21328	R	4
325.20503	R	4	325.21001	R	4	325.21401	R	4
325.20504	R	4	325.21002	R	4	325.21402	R	4
325.20505	R	4	325.21003	R	4	325.21403	R	4
325.20506	R	4	325.21101	R	4	325.21404	R	4
325.20507	R	4	325.21102	R	4	325.21405	R	4
325.20508	R	4	325.21103	R	4	325.21406	R	4
325.20509	R	4	325.21104	R	4	325.21407	R	4
325.20601	R	4	325.21105	R	4	325.21408	R	4
325.20602	R	4	325.21201	R	4	325.21409	R	4
325.20603	R	4	325.21203	R	4	325.21410	R	4
325.20604	R	4	325.21204	R	4	325.21411	R	4
325.20605	R	4	325.21301	R	4	325.21501	R	4
325.20606	R	4	325.21302	R	4	325.21502	R	4
325.20701	R	4	325.21303	R	4	325.21503	R	4
325.20702	R	4	325.21304	R	4	325.21504	R	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.21505	R	4	325.21920	R	4	325.45161	A	4
325.21506	R	4	325.21921	R	4	32545163	A	4
325.21507	R	4	325.21922	R	4	325.45165	A	4
325.21508	R	4	325.22001	R	4	325.45167	A	4
325.21509	R	4	325.22002	R	4	325.45169	A	4
325.21510	R	4	325.22003	R	4	325.45171	A	4
325.21511	R	4	325.22003a	R	4	325.45173	A	4
325.21512	R	4	325.22004	R	4	325.45175	A	4
325.21514	R	4	325.45101	A	4	325.45177	A	4
325.21515	R	4	325.45102	A	4	325.45179	A	4
325.21601	R	4	325.45103	A	4	325.45181	A	4
325.21602	R	4	325.45105	A	4	325.45183	A	4
325.21603	R	4	325.45107	A	4	325.45185	A	4
325.21604	R	4	325.45109	A	4	325.45191	A	4
325.21605	R	4	325.45111	A	4	325.45193	A	4
325.21701	R	4	325.45113	A	4	325.45195	A	4
325.21702	R	4	325.45115	A	4	325.45197	A	4
325.21703	R	4	325.45117	A	4	325.45199	A	4
325.21704	R	4	325.45119	A	4	325.45201	A	4
325.21705	R	4	325.45121	A	4	325.45203	A	4
325.21901	R	4	325.45123	A	4	325.45205	A	4
325.21902	R	4	325.45125	A	4	325.45207	A	4
325.21903	R	4	325.45127	A	4	325.45211	A	4
325.21904	R	4	325.45129	A	4	325.45213	A	4
325.21905	R	4	325.45131	A	4	325.45215	A	4
325.21906	R	4	325.45133	A	4	325.45217	A	4
325.21907	R	4	325.45135	A	4	325.45219	A	4
325.21908	R	4	325.45137	A	4	325.45221	A	4
325.21909	R	4	325.45139	A	4	325.45231	A	4
325.21910	R	4	325.45141	A	4	325.45241	A	4
325.21911	R	4	325.45143	A	4	325.45243	A	4
325.21912	R	4	325.45145	A	4	325.45245	A	4
325.21913	R	4	325.45147	A	4	325.45247	A	4
325.21914	R	4	325.45149	A	4	325.45249	A	4
325.21915	R	4	325.45151	A	4	325.45251	A	4
325.21916	R	4	325.45153	A	4	325.45261	A	4
325.21917	R	4	325.45155	A	4	325.45263	A	4
325.21918	R	4	325.45157	A	4	325.45265	A	4
325.21919	R	4	325.45159	A	4	325.45267	A	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.45269	A	4	325.45353	A	4	338.1031	*	7
325.45271	A	4	325.45355	A	4	338.10310a	*	7
325.45273	A	4	325.45357	A	4	338.10312	*	7
325.45275	A	4	325.45359	A	4	338.10404c	*	7
325.45277	A	4	325.45361	A	4	338.10601	*	7
325.45279	A	4	325.45363	A	4	338.10602	*	7
325.45281	A	4	325.45365	A	4	338.10702	*	7
325.45283	A	4	325.45367	A	4	338.10703	*	7
325.45285	A	4	325.45369	A	4	338.10704	*	7
325.45287	A	4	325.45371	A	4	338.10705	*	7
325.45289	A	4	325.45373	A	4	340.1701	*	3
325.45291	A	4	325.45375	A	4	340.1701a	*	3
325.45293	A	4	325.45377	A	4	340.1721e	*	3
325.45295	A	4	325.45379	A	4	340.1724f	*	3
325.45297	A	4	325.45381	A	4	340.1724h	*	3
325.45299	A	4	325.45383	A	4	340.1725e	*	3
325.45301	A	4	325.45385	A	4	340.1795	*	10
325.45303	A	4	325.63201	A	11	340.1836	*	3
325.45305	A	4	325.64001	A	11	340.1851	*	3
325.45307	A	4	338.10105	*	7	400.2001	*	10
325.45309	A	4	338.10202	*	7	400.2002	*	10
325.45311	A	4	338.10204	*	7	400.2003	*	10
325.45313	A	4	338.10206	*	7	400.2004	*	10
325.45315	A	4	338.10207	*	7	400.2005	R	10
325.45317	A	4	338.10210	*	7	400.2006	*	10
325.45319	A	4	338.10211	*	7	400.2007	*	10
325.45321	A	4	338.10301	*	7	400.2008	*	10
325.45323	A	4	338.10303	*	7	400.2009	*	10
325.45331	A	4	338.10303a	*	7	400.2010	*	10
325.45333	A	4	338.10303b	*	7	400.2021	*	10
325.45335	A	4	338.101303c	*	7	400.2022	*	10
325.45337	A	4	338.10303d	*	7	400.2023	*	10
325.45339	A	4	338.10304	*	7	400.2024	*	10
325.45341	A	4	338.10305	*	7	400.2028	*	10
325.45343	A	4	338.10305a	*	7	400.2031	*	10
325.45345	A	4	338.10305b	*	7	400.2041	*	10
325.45347	A	4	338.10305c	*	7	400.2044	*	10
325.45349	A	4	338.10307	*	7	400.2045	R	10
325.45351	A	4	338.10309	*	7	400.2048	*	10

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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400.4101	*	10
400.4159	*	10
400.10101	*	11
400.10177	*	11
408.3901	R	7
408.3902	R	7
408.3903	R	7
408.3904	R	7
408.3905	R	7
408.3906	R	7
408.3907	R	7
408.3911	R	7
493.1	*	11
493.5	R	11
493.10	R	11
493.11	*	11
493.12	*	11
493.14	*	11
493.15	*	11
493.16	*	11
493.20	*	11
493.22	A	11
493.24	A	11
493.95	R	11

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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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."

2020 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

November 18, 2020
Compiled through PA 249 of 2020

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001		0322	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Counties**; boards and commissions*; transfer of functions of a county road commission to the county board of commissioners; remove sunset. ***(Sen. Roger Victory)***
0002		0323	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Counties**; boards and commissions*; powers and duties of county road commissioners to be exercised by the county board of commissioners; remove sunset, and require a vote of the electors before transferring powers and duties of an elected county road commission to an appointed county road commission. ***(Sen. Roger Victory)***
0003		0319	Yes	1/24/2020	1/27/2020	1/27/2020	***Economic development**; neighborhood enterprise zones*; definition of rehabilitated facility; modify. ***(Sen. Jeremy Moss)***
0004		0340	Yes	1/24/2020	1/27/2020	4/26/2020	***Health**; pharmaceuticals*; remote pharmacies; allow under certain circumstances. ***(Sen. Curtis S. VanderWall)***
0005		0309	Yes	1/24/2020	1/27/2020	1/27/2020	***Transportation**; other*; trucks used for towing and recovery operations; assess fees under the motor carrier act. ***(Sen. Dale W. Zorn)***
0006		0466	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Children**; services*; family first prevention services act; implement a qualified residential treatment program. ***(Sen. John Bizon, M.D.)***
0007		0467	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Children**; foster care*; regulation of foster family homes or foster family group homes; modify. ***(Sen. Marshall Bullock)***
0008		0468	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Children**; services*; placement in a qualified residential treatment program; provide regulations for. ***(Sen. John Bizon, M.D.)***

* - 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.

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0009		0469	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Children**; services*; court's approval or disapproval of a qualified residential treatment placement at certain hearings; require. ***(Sen. Marshall Bullock)***
0010		0539	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Human services**; children's services*; criminal history check for child caring institution staff and retention of certain data; update as required by the federal families first prevention services act. ***(Sen. John Bizon, M.D.)***
0011		0527	Yes	1/24/2020	1/27/2020	1/27/2020	***Highways**; memorial*; Beacon Boulevard in Grand Haven; designate as the "Officer Scott Flahive Memorial Highway". ***(Sen. Roger Victory)***
0012	4051		Yes	1/27/2020	1/27/2020	4/26/2020	***Mental health**; other*; Michigan CARES hotline; create. ***(Rep. Mary Whiteford)***
0013	4411		Yes	1/27/2020	1/27/2020	4/26/2020	***Consumer credit**; other*; credit services protection act; modify exceptions to prohibited conduct provision. ***(Rep. Jim Lilly)***
0014	4309		Yes	1/27/2020	1/27/2020	1/27/2020	***Criminal procedure**; sentencing guidelines*; guidelines for violation of the fantasy contests consumer protection act; enact. ***(Rep. Michael Webber)***
0015	5241		Yes	1/27/2020	1/27/2020	1/27/2020	***Insurance**; insurers*; exemption relating to requirements for a valuation manual; eliminate. ***(Rep. Daire Rendon)***
0016	5242		Yes	1/27/2020	1/27/2020	1/27/2020	***Insurance**; other*; authority of the director of department of insurance and financial services to regulate holding companies; expand. ***(Rep. Robert Wittenberg)***
0017	5243		Yes	1/27/2020	1/27/2020	1/27/2020	***Insurance**; other*; annual audited financial requirements; modify. ***(Rep. Brad Paquette)***
0018	4156		Yes	1/27/2020	1/27/2020	1/27/2020	***Retirement**; state employees*; retired psychiatric health care workers to provide services at facilities operated by the department of health and human services; allow under certain circumstances without forfeiting retirement benefits. ***(Rep. Hank Vaupel)***

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0019		0184	Yes	1/27/2020	1/27/2020	1/27/2020	***Health occupations**; health professionals*; continuing education hours and licensing requirements for athletic trainers and requirements to act as a behavior technician; modify. ***(Sen. Curtis S. VanderWall)***
0020		0434	Yes	1/27/2020	1/27/2020	4/26/2020	***Occupations**; cosmetologists*; licensure of mobile cosmetology units; provide for, and make general revisions. ***(Sen. Aric Nesbitt)***
0021	4245		Yes	1/27/2020	1/27/2020	1/27/2020	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2018-2019. ***(Rep. Shane Hernandez)***
0022		0650	Yes	1/31/2020	1/31/2020	1/31/2020	***School aid**; membership*; utilization by certain districts of a teacher of record for dropout recovery program who is employed or contracted through education management organization; allow without certain limitation. ***(Sen. Lana Theis)***
0023		0651	Yes	1/31/2020	1/31/2020	1/31/2020	***Education**; other*; certain requirements and exemptions related to dropout recovery programs; provide for. ***(Sen. Jeremy Moss)***
0024	4620		Yes	2/4/2020	2/4/2020	2/4/2020 #	***Liquor**; licenses*; issuance of special license to conduct spirits tasting; provide for. ***(Rep. Brandt Iden)***
0025	4621		Yes	2/4/2020	2/4/2020	2/4/2020	***Liquor**; licenses*; vendor of spirits providing a special licensee with certain brand logoed items; allow. ***(Rep. Jack O'Malley)***
0026		0588	Yes	2/4/2020	2/4/2020	2/4/2020	***Liquor**; spirits*; refunds for spirits sold by a specially designated distributor; allow. ***(Sen. Jeremy Moss)***
0027	4335		Yes	2/4/2020	2/4/2020	5/4/2020	***Occupations**; barbers*; education and training requirements for cosmetology and barber licensing; revise. ***(Rep. Jeff Yaroch)***
0028		0455	Yes	2/13/2020	2/13/2020	2/13/2020	***Property tax**; exemptions*; certain property located in a renaissance zone; modify exemption for. ***(Sen. Jim Stamas)***

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0029	5187		Yes	2/13/2020	2/13/2020	2/13/2020	***Sales tax**; exemptions*; reimbursement of revenue lost to school aid fund as result of certain exemptions; provide for. ***(Rep. Rebekah Warren)***
0030	5188		Yes	2/13/2020	2/13/2020	2/13/2020	***Use tax**; exemptions*; reimbursement of revenue lost to school aid fund as result of certain exemptions; provide for. ***(Rep. Mark Huizenga)***
0031	4126		Yes	2/19/2020	2/20/2020	2/20/2020	***Marihuana**; other*; requirement for health warning labels on marihuana products sold in Michigan; provide for. ***(Rep. Thomas Albert)***
0032	4127		Yes	2/19/2020	2/20/2020	2/20/2020	***Medical marihuana**; other*; requirement for health warning labels on medical marihuana products sold in Michigan; provide for. ***(Rep. Daire Rendon)***
0033	5124		Yes	3/2/2020	3/2/2020	3/2/2020	***Property tax**; delinquent taxes*; provisions for reducing redemption amounts; modify. ***(Rep. Wendell Byrd)***
0034	5263		Yes	3/3/2020	3/3/2020	3/3/2020	***Communications**; telecommunications*; lifeline program; modify. ***(Rep. Aaron Miller)***
0035	4830		Yes	3/3/2020	3/3/2020	3/3/2020	***Health facilities**; quality assurance assessments*; quality assurance assessment on ambulance providers; require department of health and human services to provide notice of the assessment. ***(Rep. Andrea Schroeder)***
0036	4468		Yes	3/3/2020	3/3/2020	3/3/2020	***Civil rights**; public records*; method of correspondence used for freedom of information requests; modify. ***(Rep. Steven Johnson)***
0037	4444		Yes	3/3/2020	3/3/2020	3/3/2020	***Civil rights**; public records*; publication by electronic means; allow. ***(Rep. Steven Johnson)***
0038	4445		Yes	3/3/2020	3/3/2020	3/3/2020	***Civil rights**; public records*; fee for public record provided on nonpaper physical media; clarify scope of nonpaper physical media. ***(Rep. Brandt Iden)***

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0039	4912		Yes	3/3/2020	3/3/2020	3/3/2020	***Liquor***; *licenses*; sale of alcoholic beverages at university conference centers; expand. ***(Rep. Roger Hauck)***
0040	4128		Yes	3/3/2020	3/3/2020	6/1/2020	***Courts***; *probate court*; parental consent required for name change; modify under certain circumstances. ***(Rep. Aaron Miller)***
0041	4832		Yes	3/3/2020	3/3/2020	3/3/2020	***Highways***; *memorial*; portion of I-94; designate as the "Deputy Gate Keeper George W. Haight Memorial Highway". ***(Rep. Sarah Lightner)***
0042	5117		Yes	3/3/2020	3/3/2020	3/3/2020 #	***Civil procedure***; *other*; court of claims notification requirements; exempt claims under the wrongful imprisonment compensation act. ***(Rep. Kyra Bolden)***
0043	5118		Yes	3/3/2020	3/3/2020	3/3/2020 #	***Civil procedure***; *other*; wrongful imprisonment compensation act; extend the time for claims by individuals who were released before the effective date of the act. ***(Rep. Julie Calley)***
0044		0068	Yes	3/3/2020	3/3/2020	3/3/2020 #	***Civil procedure***; *other*; court of claims statute of limitations; exempt claims under the wrongful imprisonment compensation act. ***(Sen. Paul Wojno)***
0045	4689		Yes	3/3/2020	3/3/2020	6/1/2020	***Construction***; *other*; temporary door barricade devices in school buildings; allow, and provide standards. ***(Rep. Scott VanSingel)***
0046	4203		Yes	3/3/2020	3/3/2020	3/3/2020	***Sales tax***; *exemptions*; exemption for prosthetic devices; modify definition. ***(Rep. Lynn Afendoulis)***
0047	4204		Yes	3/3/2020	3/3/2020	3/3/2020	***Use tax***; *exemptions*; exemption for prosthetic devices; modify definition. ***(Rep. Bronna Kahle)***
0048	4862		Yes	3/3/2020	3/3/2020	6/1/2020	***Health***; *emergency services*; critical incident stress management services for emergency service providers; revise to include certain health professionals and individuals employed by or under contract with a health facility or agency. ***(Rep. Douglas Wozniak)***

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0049		0029	Yes	3/3/2020	3/3/2020	6/1/2020	***Crimes**; penalties*; penalties for third degree and fourth degree child abuse; modify. ***(Sen. Peter J. Lucido)***
0050		0030	Yes	3/3/2020	3/3/2020	6/1/2020 #	***Criminal procedure**; sentencing guidelines*; sentencing guidelines for crimes of third degree and fourth degree child abuse; modify. ***(Sen. Peter J. Lucido)***
0051		0118	Yes	3/3/2020	3/3/2020	3/3/2020	***Vehicles**; registration plates*; blue star family registration plates; create. ***(Sen. Kevin Daley)***
0052		0693	Yes	3/3/2020	3/3/2020	3/3/2020	***Agriculture**; other*; agricultural disaster loan organization program act; update and modify. ***(Sen. Dan Lauwers)***
0053	4152		Yes	3/3/2020	3/3/2020	6/1/2020 #	***Records**; birth*; fees and procedure to obtain birth certificate; modify for certain individuals. ***(Rep. Steven Johnson)***
0054	4153		Yes	3/3/2020	3/3/2020	6/1/2020 #	***Records**; birth*; definition of certain individuals eligible for different fees and procedure to obtain birth certificate; provide for. ***(Rep. Vanessa Guerra)***
0055	5043		Yes	3/3/2020	3/3/2020	3/3/2020	***Mental health**; other*; use of mediation as a first step in dispute resolution; allow. ***(Rep. Hank Vaupel)***
0056	5044		Yes	3/3/2020	3/3/2020	3/3/2020 #	***Children**; foster care*; citation to mental health code definition; revise. ***(Rep. LaTanya Garrett)***
0057	4712		Yes	3/10/2020	3/10/2020	6/8/2020	***Crimes**; other*; possession of a trailer designed for defense or attack; repeal. ***(Rep. Steven Johnson)***
0058	4713		Yes	3/10/2020	3/10/2020	6/8/2020 #	***Criminal procedure**; sentencing guidelines*; sentencing guidelines for crimes of possession of a trailer designed for defense or attack; remove to reflect repeal. ***(Rep. Aaron Miller)***

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	HB	SB					
0059	5103		Yes	3/10/2020	3/10/2020	3/10/2020	***Probate**; other*; priority of appointment of a special personal representative; clarify. ***(Rep. Rodney Wakeman)***
0060	4266		Yes	3/10/2020	3/10/2020	3/10/2020 #	***Civil procedure**; defenses*; presumption in action involving certain utility easements; enact, and limit damages recoverable. ***(Rep. Triston Cole)***
0061	5266		Yes	3/10/2020	3/10/2020	3/10/2020 #	***Communications**; telecommunications*; electric cooperative member-regulated pole attachment and calculated rate agreement; provide for. ***(Rep. Triston Cole)***
0062	5174		Yes	3/17/2020	3/17/2020	3/17/2020	***Insurance**; producers*; fees allowed in the placement of a surplus line policy; modify. ***(Rep. Daire Rendon)***
0063		0253	Yes	3/17/2020	3/17/2020	3/17/2020	***Law**; contracts*; agreements, contracts, or promises required to be in writing and signed; prohibit lawsuit to enforce real estate commission agreement that is not in writing. ***(Sen. Peter J. Lucido)***
0064		0762	Yes	3/17/2020	3/17/2020	3/17/2020	***Cities**; public services*; population threshold for qualified city in the police and fire protection act; modify. ***(Sen. Ken Horn)***
0065	4171		Yes	3/27/2020	3/27/2020	3/27/2020	***Individual income tax**; retirement or pension benefits*; limitations and restrictions on retirement income deduction for a surviving spouse; clarify. ***(Rep. Julie Alexander)***
0066		0151	Yes	3/30/2020	3/30/2020	3/30/2020 +	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2019-2020. ***(Sen. Jim Stamas)***
0067	4729		Yes	3/30/2020	3/30/2020	3/30/2020	***Appropriations**; zero budget*; omnibus budget appropriations; provide for fiscal year 2019-2020. ***(Rep. Shane Hernandez)***
0068	5576		Yes	4/2/2020	4/2/2020	4/2/2020 #	***Higher education**; financial aid*; Michigan reconnect grant act; create. ***(Rep. Ben Frederick)***

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	HB	SB						
0069	5580		Yes	4/2/2020	4/2/2020	4/2/2020	#	***Higher education**; financial aid*; tuition incentive program; allow for certain other state aid to be last dollar. ***(Rep. Sarah Anthony)***
0070	5401		Yes	4/2/2020	4/2/2020	4/2/2020	#	***Watercraft**; traffic control*; temporary speed restrictions during high water conditions; provide for. ***(Rep. Gary Eisen)***
0071	5402		Yes	4/2/2020	4/2/2020	4/2/2020	#	***Civil procedure**; civil actions*; violations of temporary watercraft speed restrictions; classify as municipal civil infractions. ***(Rep. Gary Eisen)***
0072	5463		No	4/2/2020	4/2/2020	4/2/2020	#	***Watercraft**; traffic control*; procedure to allow local political subdivisions to apply for temporary ordinances in water control zones; provide for. ***(Rep. Jim Lilly)***
0073	4908		Yes	4/2/2020	4/2/2020	4/2/2020		***State financing and management**; bonds*; limitation on the aggregate cap on outstanding bonds; increase. ***(Rep. Karen Whitsett)***
0074	4740		Yes	4/2/2020	4/2/2020	4/2/2020		***Recreation**; local parks*; Dr. T. K. Lawless Park in Cass County; designate as dark sky preserve. ***(Rep. Aaron Miller)***
0075	4125		Yes	4/2/2020	4/2/2020	4/2/2020		***Individual income tax**; collections*; earmark for school aid fund; modify. ***(Rep. Scott VanSingel)***
0076		0415	Yes	4/2/2020	4/2/2020	4/2/2020		***Financial institutions**; credit cards*; credit card arrangements act; modify definitions and update title. ***(Sen. Aric Nesbitt)***
0077		0269	Yes	4/2/2020	4/2/2020	4/2/2020		***Individual income tax**; returns*; taxpayer protection act; provide for. ***(Sen. Erika Geiss)***
0078		0543	Yes	4/2/2020	4/2/2020	4/2/2020		***Liquor**; other*; use of secure identity verification devices to determine age of purchaser; allow. ***(Sen. Curtis S. VanderWall)***

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	HB	SB					
0079		0125	Yes	4/2/2020	4/2/2020	4/2/2020	***Property**; abandoned*; unclaimed property of active duty military; modify requirements for extended dormancy periods. ***(Sen. Tom Barrett)***
0080		0711	Yes	4/2/2020	4/2/2020	4/2/2020	***Liquor**; licenses*; limited production brewer license; provide for. ***(Sen. Jon C. Bumstead)***
0081		0712	Yes	4/2/2020	4/2/2020	4/2/2020	***Villages**; employees and officers*; filling of council vacancies; modify, and modify procedure for compelling attendance of absent council members. ***(Sen. Jon C. Bumstead)***
0082		0754	Yes	4/2/2020	4/2/2020	4/2/2020	***Courts**; reorganization*; reorganization of the seventy-ninth district court and number of judgeships; modify. ***(Sen. Curtis S. VanderWall)***
0083		0812	Yes	4/2/2020	4/2/2020	4/2/2020	***Employment security**; benefits*; work search requirements; modify. ***(Sen. Ken Horn)***
0084		0268	Yes	4/2/2020	4/2/2020	4/2/2020 #	***Higher education**; financial aid*; Michigan reconnect grant act; create. ***(Sen. Ken Horn)***
0085	5496		Yes	5/15/2020	5/15/2020	5/15/2020	***Environmental protection**; solid waste*; lateral expansion coal ash landfill; modify definition. ***(Rep. Gary Howell)***
0086		0350	Yes	6/11/2020	6/11/2020	6/11/2020	***Property tax**; delinquent taxes*; delinquent tax collections by villages; modify procedures. ***(Sen. Kimberly A. LaSata)***
0087		0718	Yes	6/11/2020	6/11/2020	6/11/2020	***Traffic control**; traffic regulation*; roadside drug testing for controlled substances; allow. ***(Sen. Peter MacGregor)***
0088	5766		Yes	6/11/2020	6/11/2020	6/11/2020	***Property tax**; appeals*; tax tribunal appeal deadlines; modify. ***(Rep. Roger Hauck)***

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0089	5164		Yes	6/16/2020	6/16/2020	9/14/2020	***Occupations**; individual licensing and registration*; boiler inspection requirements; modify. ***(Rep. Jim Lilly)***
0090		0172	Yes	6/16/2020	6/16/2020	9/14/2020	***Insurance**; insurers*; requirements for providing privacy policies to customers; modify. ***(Sen. Jim Stamas)***
0091		0306	Yes	6/16/2020	6/16/2020	6/16/2020	***Economic development**; other*; definition of assessable property in the principal shopping district act; revise. ***(Sen. Peter MacGregor)***
0092	5541		Yes	6/23/2020	6/23/2020	7/1/2021	***State**; identification cards*; designation as an individual with a communication impediment; allow in official state personal identification card and provide for law enforcement access, and make other general revisions. ***(Rep. Frank Liberati)***
0093		0278	Yes	6/23/2020	6/23/2020	7/1/2021	***Traffic control**; driver license*; designation as an individual with a communication impediment; allow in vehicle registration, and operator's and chauffeur's license, and provide for law enforcement access. ***(Sen. Tom Barrett)***
0094		0279	Yes	6/23/2020	6/23/2020	6/23/2020 #	***Traffic control**; driver license*; designation as an individual with a communication impediment; allow in enhanced driver license and official state personal identification card, and provide for law enforcement access. ***(Sen. Curtis Hertel, Jr.)***
0095	5141		Yes	6/23/2020	6/23/2020	6/23/2020	***Elections**; absent voters*; local agreements dealing with absent voter counting boards and combined absent voter counting boards; allow. ***(Rep. Julie Calley)***
0096		0940	Yes	6/24/2020	6/24/2020	6/24/2020	***Property tax**; principal residence exemption*; principal residence exemption application deadline; delay under certain circumstances related to the declared state of emergency due to the COVID-19 pandemic. ***(Sen. Roger Victory)***
0097	5412		Yes	6/24/2020	6/24/2020	6/24/2020	***Insurance**; other*; definition of telemedicine; modify in the insurance code of 1956. ***(Rep. Hank Vaupel)***
0098	5413		Yes	6/24/2020	6/24/2020	6/24/2020	***Insurance**; other*; definition of telemedicine; modify in the nonprofit health care corporation reform act. ***(Rep. Douglas Wozniak)***

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0099	5414		Yes	6/24/2020	6/24/2020	6/24/2020		***Mental health**; code*; definition of telemedicine services; add in the mental health code. ***(Rep. Phil Green)***
0100	5415		Yes	6/24/2020	6/24/2020	6/24/2020		***Human services**; medical services*; Medicaid reimbursement of remote patient monitoring via telemedicine; require. ***(Rep. Frank Liberati)***
0101	5416		Yes	6/24/2020	6/24/2020	6/24/2020		***Human services**; medical services*; medical reimbursement for in-home or in-school telemedicine services; provide for. ***(Rep. Mary Whiteford)***
0102	5195		Yes	7/1/2020	7/1/2020	9/29/2020	#	***Vehicles**; registration plates*; fees for the transfer of registration plates from 1 vehicle to another; modify. ***(Rep. Jason Sheppard)***
0103	5313		Yes	7/1/2020	7/1/2020	9/29/2020	#	***Vehicles**; registration*; electric vehicle registration fees; revise. ***(Rep. Jason Sheppard)***
0104	4449		Yes	7/1/2020	7/1/2020	7/1/2020		***Insurance**; no-fault*; allowable expenses; eliminate requirement to reimburse for chiropractic services. ***(Rep. Beth Griffin)***
0105	5341		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; provision related to brewpub license conditions; update cross-reference. ***(Rep. Pauline Wendzel)***
0106	5342		Yes	7/1/2020	7/1/2020	7/1/2020		***Liquor**; manufacturer*; allowing certain micro brewers to deliver beer to retailers; eliminate, and clarify electronic advertising procedures. ***(Rep. Pauline Wendzel)***
0107	5343		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; manufacturer*; self-distribution limit of micro brewers; increase. ***(Rep. Pauline Wendzel)***
0108	5344		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; distribution*; reference related to section about shipping and delivering alcoholic liquor; update. ***(Rep. Pauline Wendzel)***

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	HB	SB						
0109	5345		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; beer*; required intervals to pay beer tax; modify, and increase production threshold for a brewer to claim a credit or refund. ***(Rep. Jason Wentworth)***
0110	5346		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; wine*; required intervals to pay wine tax; modify. ***(Rep. Jason Wentworth)***
0111	5347		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; beer festivals special license requirements; modify. ***(Rep. Alex Garza)***
0112	5348		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; liquor control commission*; certain provisions of salesperson license accreditation program; modify. ***(Rep. Alex Garza)***
0113	5349		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; beer*; successor manufacturer or successor outstate seller of beer not assigned a brand extension; provide certain exception. ***(Rep. Matt Hall)***
0114	5350		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; wine*; successor manufacturer or successor outstate seller of wine not assigned a brand extension; provide certain exception. ***(Rep. Matt Hall)***
0115	5351		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; other*; definition of a successor to a supplier that continues in business; provide for. ***(Rep. Graham Filler)***
0116	5352		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; manufacturer*; procedure for manufacturer canceling agreement with a wholesaler; revise. ***(Rep. Graham Filler)***
0117	5353		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; beer*; requirement that beer sold in a growler have a registration number; eliminate. ***(Rep. Sara Cambensy)***
0118	5354		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; certain labeling requirements for a brewpub; eliminate. ***(Rep. Sara Cambensy)***

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	HB	SB						
0119	5355		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; manufacturer*; requirement for manufacturer or wholesaler to provide proof of valid label from United States Alcohol and Tobacco Tax and Trade Bureau; eliminate under certain circumstances. ***(Rep. Sara Cambensy)***
0120	5400		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; cross reference to section about micro brewers selling beer to retailers; update. ***(Rep. Alex Garza)***
0121	5315		Yes	7/1/2020	7/1/2020	7/1/2020		***Liquor**; licenses*; license to serve alcohol on certain premises of Northern Michigan University; allow. ***(Rep. Sara Cambensy)***
0122		0963	Yes	7/1/2020	7/1/2020	7/1/2020		***Appropriations**; other*; presentation of general appropriations bills to the governor; revise. ***(Sen. Curtis Hertel, Jr.)***
0123		0690	Yes	7/1/2020	7/1/2020	7/1/2020		***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2019-2020. ***(Sen. Jim Stamas)***
0124	5781		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; permits*; on-premises licensee serving alcoholic liquor in a commons area designated by a local unit of government; allow. ***(Rep. Michael Webber)***
0125	5811		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; carryout sales and delivery of alcoholic liquor by an on-premises licensee; allow. ***(Rep. Sarah Anthony)***
0126		0942	Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; certain regulations relating to the sale, delivery, and purchase of alcoholic liquor by an on-premises licensee; modify. ***(Sen. Aric Nesbitt)***
0127		0876	Yes	7/1/2020	7/1/2020	7/1/2020		***Traffic control**; driver license*; extension of renewal date for certain driver licenses during a declared emergency; provide for. ***(Sen. Wayne A. Schmidt)***
0128		0877	Yes	7/1/2020	7/1/2020	7/1/2020		***State**; identification cards*; extension of renewal date for state identification cards during a declared emergency; provide for. ***(Sen. Wayne A. Schmidt)***

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0129		0878	Yes	7/1/2020	7/1/2020	7/1/2020	***Traffic control**; driver license*; extension of renewal date for enhanced driver licenses and enhanced state identification cards during a declared emergency; provide for. ***(Sen. Wayne A. Schmidt)***
0130	4546		Yes	7/8/2020	7/8/2020	7/8/2020	***Education**; dual enrollment*; certain dual enrollment eligibility requirements in career and technical preparation act; modify. ***(Rep. Bronna Kahle)***
0131	4547		Yes	7/8/2020	7/8/2020	7/8/2020	***Education**; dual enrollment*; certain dual enrollment eligibility requirements in postsecondary enrollment options act; modify. ***(Rep. Ben Frederick)***
0132	4389		Yes	7/8/2020	7/8/2020	7/8/2020	***Environmental protection**; hazardous products*; firefighting foam containing PFAS; require reports on use of and require department of environmental quality to accept for disposal. ***(Rep. Sue Allor)***
0133	4390		Yes	7/8/2020	7/8/2020	10/6/2020	***Law enforcement**; fire personnel*; use of firefighting foam containing certain substances; prohibit in firefighter training, and require certain training on use. ***(Rep. Jeff Yaroch)***
0134	4217		Yes	7/8/2020	7/8/2020	7/8/2020 #	***Health**; pharmaceuticals*; physician or other licensee who writes prescriptions; require to electronically transmit to pharmacy under certain circumstances. ***(Rep. Joseph Bellino)***
0135		0254	Yes	7/8/2020	7/8/2020	7/8/2020 #	***Health**; controlled substances*; requirement for opioid and benzodiazepine prescriptions to be electronically transmitted to pharmacies; provide for under certain circumstances. ***(Sen. Dale W. Zorn)***
0136		0248	Yes	7/8/2020	7/8/2020	7/8/2020 #	***Health**; pharmaceuticals*; physician or other licensee who writes prescriptions; require to electronically transmit to pharmacy under certain circumstances. ***(Sen. Ruth A. Johnson)***
0137		0850	Yes	7/8/2020	7/8/2020	7/8/2020	***Agriculture**; industrial hemp*; regulations for growing industrial hemp; create. ***(Sen. Dan Lauwers)***
0138		0696	Yes	7/8/2020	7/8/2020	10/6/2020	***Occupations**; mortuary science*; waiver to manage more than 1 funeral establishment; allow under certain circumstances. ***(Sen. Rick Outman)***

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	HB	SB					
0139		0585	Yes	7/8/2020	7/8/2020	7/8/2020	***Highways**; memorial*; portion of US-31; designate as the "PFC Brett Witteveen Memorial Highway". ***(Sen. Jon C. Bumstead)***
0140		0517	Yes	7/8/2020	7/8/2020	7/8/2020	***Highways**; bridges*; feasibility study on tolling of certain highways; provide for. ***(Sen. John Bizon, M.D.)***
0141		0173	Yes	7/8/2020	7/8/2020	10/6/2020	***Vehicles**; wreckers*; incentives for or from local governments for wrecker, recovery, or towing services; prohibit. ***(Sen. Jim Stamas)***
0142		0630	Yes	7/13/2020	7/14/2020	7/14/2020	***Health**; pharmaceuticals*; wholesale distributor-broker license; create. ***(Sen. John Bizon, M.D.)***
0143	4391		Yes	7/31/2020	7/31/2020	7/31/2020	***Labor**; health and safety*; firefighting foam concentrate containing PFAS; require promulgation of rules regarding firefighters' use of. ***(Rep. Jeff Yaroch)***
0144	5265		Yes	7/31/2020	7/31/2020	7/31/2020	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2019-2020. ***(Rep. Shane Hernandez)***
0145		0145	Yes	7/31/2020	7/31/2020	7/31/2020	***Appropriations**; natural resources*; trust fund projects; provide for fiscal year 2020-2021. ***(Sen. Jon C. Bumstead)***
0146		0373	Yes	7/31/2020	7/31/2020	7/31/2020	***Appropriations**; school aid*; fiscal year 2019-2020 omnibus appropriations for school aid, higher education, and community colleges; provide for. ***(Sen. Jim Stamas)***
0147	5911		Yes	8/20/2020	8/20/2020	8/20/2020 #	***Education**; other*; certain requirements concerning virtual courses; modify. ***(Rep. Gregory Markkanen)***
0148	5912		Yes	8/20/2020	8/20/2020	8/20/2020 #	***Education**; other*; certain requirements concerning required hours and days of pupil instruction; modify. ***(Rep. Andrea Schroeder)***

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0149	5913		Yes	8/20/2020	8/20/2020	8/20/2020 #	***Education**; attendance*; certain provisions concerning pupil membership and attendance; modify and add certain requirements concerning benchmark assessments. ***(Rep. Annette Glenn)***
0150		0745	Yes	9/8/2020	9/8/2020	9/8/2020	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2019-2020. ***(Sen. Jim Stamas)***
0151	5488		Yes	9/17/2020	9/17/2020	9/17/2020	***Criminal procedure**; sentencing*; certain permissible costs; extend sunset. ***(Rep. Sarah Lightner)***
0152	4965		Yes	9/17/2020	9/17/2020	9/17/2020	***Transportation**; funds*; allocations for certain county road commission expenditures; modify. ***(Rep. Rodney Wakeman)***
0153	4966		Yes	9/17/2020	9/17/2020	9/17/2020	***Transportation**; funds*; return of distribution to city and village managers; modify. ***(Rep. Andrea Schroeder)***
0154	5502		Yes	9/17/2020	9/17/2020	9/17/2020 #	***Fire**; other*; use of lock block devices on classroom doors and certain types of door locks; allow. ***(Rep. Scott VanSingel)***
0155	5503		Yes	9/17/2020	9/17/2020	9/17/2020 #	***Construction**; fire safety*; use of lock block devices on classroom doors and certain types of door locks; allow. ***(Rep. Scott VanSingel)***
0156		0473	Yes	9/17/2020	9/17/2020	9/17/2020	***Education**; financing*; calculation of number of mills to be levied for school operating purposes; update to reflect change in terminology to target foundation allowance. ***(Sen. Wayne A. Schmidt)***
0157		0475	Yes	9/17/2020	9/17/2020	9/17/2020	***School aid**; foundation allowance*; reference to basic foundation allowance in revenue estimating conference; change to target foundation allowance. ***(Sen. Wayne A. Schmidt)***
0158		0171	Yes	9/17/2020	9/17/2020	9/17/2020	***Education**; graduation requirements*; certain requirements for high school diploma; modify. ***(Sen. Jim Stamas)***

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	HB	SB					
0159		0595	Yes	9/17/2020	9/17/2020	9/17/2020	***Property**; conveyances*; restrictions on use of previously conveyed state-owned property in Grand Traverse County; revise. ***(Sen. Wayne A. Schmidt)***
0160		0799	Yes	9/17/2020	9/17/2020	9/17/2020	***Property**; conveyances*; property in Gogebic County previously conveyed to the county road commission; provide for reconveyance to Watersmeet Township. ***(Sen. Ed McBroom)***
0161	4228		Yes	9/17/2020	9/17/2020	9/17/2020	***Highways**; memorial*; portion of US-41; designate as the "Samuel R. Costello Memorial Highway". ***(Rep. Beau LaFave)***
0162	4577		Yes	9/17/2020	9/17/2020	9/17/2020	***Highways**; memorial*; portion of M-52; designate as the "Michigan Desert Storm Veterans Memorial Highway". ***(Rep. Ben Frederick)***
0163	5134		Yes	9/17/2020	9/17/2020	9/17/2020	***Trade**; business regulation*; age limit for amusement park ride operators; provide. ***(Rep. Greg VanWoerkom)***
0164	4971		Yes	9/17/2020	9/17/2020	9/17/2020	***Transportation**; funds*; engineering study for certain local road agencies to increase capacity; provide for. ***(Rep. Julie Alexander)***
0165		0927	Yes	9/30/2020	9/30/2020	9/30/2020	***Appropriations**; school aid*; fiscal year 2020-2021 omnibus appropriations for school aid, higher education, and community colleges; provide for. ***(Sen. Jim Stamas)***
0166	5396		Yes	9/30/2020	9/30/2020	9/30/2020	***Appropriations**; omnibus*; appropriations for fiscal year 2020-2021; provide for. ***(Rep. Shane Hernandez)***
0167	6118		Yes	9/30/2020	9/30/2020	9/30/2020	***Elections**; presidential primary*; deadline to submit verified account of actual costs of conducting a presidential primary election; extend for March 2020 presidential primary election. ***(Rep. Roger Hauck)***
0168	6116		Yes	10/1/2020	10/1/2020	10/1/2020	***Property tax**; other*; fund shift for the land reutilization fund; provide for. ***(Rep. Sarah Lightner)***

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0169	6117		Yes	10/1/2020	10/1/2020	10/1/2020	***Health facilities**; certificate of need*; fund shift for the certificate of need fees, and the health professions regulatory fund; provide for. ***(Rep. Mary Whiteford)***
0170	6120		Yes	10/1/2020	10/1/2020	10/1/2020	***Marihuana**; administration*; marihuana regulatory fund revenue; transfer to the general fund for the 2019-2020 fiscal year. ***(Rep. Cynthia Johnson)***
0171	6121		Yes	10/1/2020	10/1/2020	10/1/2020	***State financing and management**; funds*; fund shift for the 21st century jobs fund; provide for. ***(Rep. Abdullah Hammoud)***
0172	6122		Yes	10/1/2020	10/1/2020	10/1/2020	***Courts**; funding*; fund shift for the juror compensation reimbursement fund; provide for. ***(Rep. Lori Stone)***
0173	4831		Yes	10/1/2020	10/1/2020	10/1/2020	***State financing and management**; purchasing*; bids on certain options on certain procurement contracts; allow. ***(Rep. Sarah Lightner)***
0174	5053		Yes	10/1/2020	10/1/2020	12/30/2020	***State financing and management**; purchasing*; clawback provisions in certain state contracts; require. ***(Rep. Mark Huizenga)***
0175		0384	Yes	10/1/2020	10/1/2020	12/30/2020 #	***Crimes**; other*; certain definitions regarding the requirements for the resale of event tickets at higher or lower prices; provide for. ***(Sen. Erika Geiss)***
0176		0385	Yes	10/1/2020	10/1/2020	12/30/2020 #	***Crimes**; other*; certain requirements regarding the resale of event tickets at higher or lower prices; provide for. ***(Sen. Tom Barrett)***
0177		0757	Yes	10/6/2020	10/6/2020	10/6/2020	***Elections**; election officials*; certain city and township clerks opening absent voter ballot return envelopes on the day before election day; authorize, allow precinct election inspectors to work in shifts, require notice to electors for mismatched or missing signatures on an absent voter ballot application or return envelope, and provide requirements for absent voter ballot drop boxes. ***(Sen. Ruth A. Johnson)***
0178	5444		No	10/8/2020	10/8/2020	Pending #	***Children**; services*; kinship caregiver navigator program; create. ***(Rep. Frank Liberati)***

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	HB	SB					
0179	5492		Yes	10/8/2020	10/8/2020	10/8/2020	***State financing and management***; *other*; information technology services of the department of health and human services; require to be provided by the department of technology, management, and budget. ***(Rep. Abdullah Hammoud)***
0180	5493		Yes	10/8/2020	10/8/2020	10/8/2020	***State financing and management***; *audits*; quarterly report on executive branch and enterprisewide information technology projects; require the department of technology, management, and budget to provide. ***(Rep. Mary Whiteford)***
0181	5494		Yes	10/8/2020	10/8/2020	10/8/2020	***State financing and management***; *purchasing*; requirements for certain procurement contracts; modify. ***(Rep. Annette Glenn)***
0182	5495		Yes	10/8/2020	10/8/2020	10/8/2020 #	***Legislature***; *auditor general*; certain audits by the auditor general of information technology contracts and projects; provide directives. ***(Rep. Terry Sabo)***
0183	5148		Yes	10/8/2020	10/8/2020	10/8/2020	***Children***; *adoption*; persons authorized to advertise for, solicit, or recruit adoptive parents or guardians; modify. ***(Rep. Brenda Carter)***
0184	5149		Yes	10/8/2020	10/8/2020	1/6/2021	***Crimes***; *penalties*; exceptions to the prohibition of the transfer or acquisition of legal or physical custody of an individual; modify. ***(Rep. Douglas Wozniak)***
0185	5248		Yes	10/8/2020	10/8/2020	10/8/2020	***Children***; *other*; public release of redacted children's ombudsman's findings and recommendations; allow. ***(Rep. Matt Hall)***
0186	5249		Yes	10/8/2020	10/8/2020	10/8/2020	***Children***; *services*; powers and duties of the children's ombudsman; modify. ***(Rep. Andrea Schroeder)***
0187	4981		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure***; *expunction*; Expungement of certain offenses; prohibit. ***(Rep. Pauline Wendzel)***
0188	4985		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure***; *records*; expungement of multiple criminal offenses arising out of the same criminal transaction; allow under certain circumstances. ***(Rep. Sherry Gay-Dagnogo)***

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	HB	SB					
0189	5120		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure**; expunction*; procedure for record expungement of certain marihuana offenses; provide for. ***(Rep. Isaac Robinson)***
0190	4983		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure**; expunction*; time period after certain events applicant must wait to petition to set aside a conviction; amend. ***(Rep. Yousef Rabhi)***
0191	4984		Yes	10/12/2020	10/13/2020	4/11/2021	***Criminal procedure**; expunction*; number of felony and misdemeanor offenses that may be set aside; expand. ***(Rep. David LaGrand)***
0192	4982		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure**; expunction*; set aside process for certain marihuana related offenses; modify. ***(Rep. Luke Meerman)***
0193	4980		Yes	10/13/2020	10/13/2020	4/11/2021 #	***Criminal procedure**; expunction*; certain convictions to be automatically set aside after 10 years under certain circumstances; provide for. ***(Rep. Eric Leutheuser)***
0194	4926		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; calculation for eligible millage cap levied; modify. ***(Rep. Lynn Afendoulis)***
0195	4927		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; distribution of local community stabilization share revenue; modify. ***(Rep. Hank Vaupel)***
0196	4928		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; distribution of local community stabilization share revenue; modify. ***(Rep. Michael Webber)***
0197	4929		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; certain calculations relating to tax increment financing plans; modify. ***(Rep. Tenisha Yancey)***
0198	4930		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; certain distribution calculations; modify reporting deadlines and procedures. ***(Rep. Karen Whitsett)***

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	HB	SB					
0199		1066	Yes	10/15/2020	10/15/2020	10/15/2020	***State financing and management**; funds*; fund shift for the Michigan film promotion fund; provide for. ***(Sen. Jon C. Bumstead)***
0200		1067	Yes	10/15/2020	10/15/2020	10/15/2020	***Liquor**; other*; fund shift for the Michigan craft beverage council fund; provide for. ***(Sen. Curtis Hertel, Jr.)***
0201		1068	Yes	10/15/2020	10/15/2020	10/15/2020	***Environmental protection**; solid waste*; solid waste management fund and scrap tire regulatory fund revenue; transfer to the general fund for 2019-2020 fiscal year. ***(Sen. Curtis Hertel, Jr.)***
0202		1069	Yes	10/15/2020	10/15/2020	10/15/2020	***Criminal procedure**; sex offender registration*; fund shift for the sex offenders registration fund; provide for. ***(Sen. Adam J. Hollier)***
0203		1070	Yes	10/15/2020	10/15/2020	10/15/2020	***Vehicles**; other*; fund shift for the transportation economic development fund; provide for. ***(Sen. Adam J. Hollier)***
0204		1071	Yes	10/15/2020	10/15/2020	10/15/2020	***Transportation**; funds*; fund shift for the transportation economic development fund; provide for. ***(Sen. Adam J. Hollier)***
0205	6119		Yes	10/15/2020	10/15/2020	10/15/2020	***Economic development**; other*; fund shift for the convention facility development fund; provide for. ***(Rep. Cynthia Neeley)***
0206	4851		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; board of review*; review of denials of disabled veterans exemptions in certain circumstances; provide for. ***(Rep. Michele Hoitenga)***
0207	5490		Yes	10/15/2020	10/15/2020	10/15/2020	***Medical marihuana**; administration*; court-appointed individual to operate medical marihuana facility; allow, and require promulgation of rules to establish procedures and standards. ***(Rep. Brandt Iden)***
0208	5491		Yes	10/15/2020	10/15/2020	10/15/2020	***Marihuana**; administration*; court-appointed individual to operate marihuana establishment; allow, and require promulgation of rules to establish procedures. ***(Rep. Brandt Iden)***

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	HB	SB					
0209	5289		Yes	10/15/2020	10/15/2020	10/15/2020	***Records**; death*; fee for certificate of stillbirth; prohibit under certain circumstances. ***(Rep. Julie Alexander)***
0210	5336		Yes	10/15/2020	10/15/2020	10/15/2020	***Civil procedure**; remedies*; uniform commercial real estate receivership act; modify. ***(Rep. Brandt Iden)***
0211	5482		Yes	10/15/2020	10/15/2020	10/15/2020	***Health**; suicide*; suicide prevention hotline telephone number on student identification cards; require. ***(Rep. Andrea Schroeder)***
0212	5334		Yes	10/15/2020	10/15/2020	10/15/2020	***Highways**; memorial*; portion of US-10; designate as the "Cpl. Casey P. Zylman Memorial Highway". ***(Rep. Roger Hauck)***
0213		0132	Yes	10/15/2020	10/15/2020	10/15/2020	***Highways**; memorial*; portion of US-12; designate as the "Trooper Rodger M. Adams Memorial Highway". ***(Sen. Dale W. Zorn)***
0214		0435	Yes	10/15/2020	10/15/2020	10/15/2020	***Highways**; memorial*; portion of M-81; designate as the "Staff Sergeant Eugene H. E. Alex Memorial Highway". ***(Sen. Ken Horn)***
0215		0321	Yes	10/15/2020	10/15/2020	10/15/2020	***History and arts**; historic sites*; criteria for inclusion on Michigan Law Enforcement Officers Memorial; expand. ***(Sen. Kimberly A. LaSata)***
0216		0432	Yes	10/15/2020	10/15/2020	10/15/2020	***Economic development**; Michigan strategic fund*; tax exemption for entities receiving aid from the Michigan strategic fund; clarify. ***(Sen. Ken Horn)***
0217		0493	Yes	10/15/2020	10/15/2020	10/15/2020	***Economic development**; other*; commercial rehabilitation certificates; extend sunset. ***(Sen. Jim Stamas)***
0218		0494	Yes	10/15/2020	10/15/2020	10/15/2020	***Economic development**; commercial redevelopment*; commercial redevelopment exemptions; extend sunset. ***(Sen. Jim Stamas)***

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0219		0665	Yes	10/16/2020	10/16/2020	10/16/2020	***Liquor****; beer*; eligibility of a brewer that is not a microbrewer to operate a tasting room; limit. ***(Sen. Roger Victory)***
0220		0852	Yes	10/16/2020	10/16/2020	10/16/2020	***Agriculture****; industrial hemp*; regulations for growing industrial hemp; create. ***(Sen. Dan Lauwers)***
0221		1080	Yes	10/16/2020	10/16/2020	10/16/2020	***Natural resources****; inland lakes*; length of time that bonds may be issued against the proceeds of special assessments for a lake level project; modify. ***(Sen. Rick Outman)***
0222		1103	Yes	10/16/2020	10/16/2020	10/16/2020	***Transportation****; funds*; depositing funds from marihuana tax into Michigan transportation fund; allow. ***(Sen. Curtis Hertel, Jr.)***
0223	5602		Yes	10/16/2020	10/16/2020	10/16/2020	***Construction****; permits*; low-voltage electric fence requirements; modify. ***(Rep. Rodney Wakeman)***
0224	4288		Yes	10/16/2020	10/16/2020	10/16/2020	***Communications****; technology*; broadband funding; provide for. ***(Rep. Michele Hoitenga)***
0225	4686		Yes	10/16/2020	10/16/2020	10/16/2020	***Gaming****; casinos*; removal of name from disassociated persons list; allow. ***(Rep. Ryan Berman)***
0226	5267		Yes	10/16/2020	10/16/2020	10/16/2020	***Highways****; memorial*; portion of US-127 in Isabella County; designate as the "Lance Corporal Justin Ellsworth Memorial Highway". ***(Rep. Ryan Berman)***
0227	5194		Yes	10/16/2020	10/16/2020	10/16/2020	***Occupations****; vehicles, dealers and repair facilities*; definition of heavy-duty truck in the vehicle repair act; modify. ***(Rep. Gregory Markkanen)***
0228		1108	Yes	10/16/2020	10/16/2020	10/16/2020	***Civil rights****; open meetings*; procedures for electronic meetings of public bodies; provide for. ***(Sen. Lana Theis)***

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0229		0886	Yes	10/20/2020	10/20/2020	10/20/2020 #	***Employment security**; benefits*; unemployment benefits for certain employees during a declared emergency; expand. ***(Sen. Ken Horn)***
0230		0911	Yes	10/20/2020	10/20/2020	10/20/2020 #	***Retirement**; state employees*; retirants hired by the Michigan unemployment insurance agency or the Michigan occupational safety and health administration; allow under certain circumstances without forfeiting retirement benefits. ***(Sen. Ken Horn)***
0231		1094	Yes	10/22/2020	10/22/2020	10/22/2020	***Health facilities**; nursing homes*; admittance of COVID-19-positive patients to nursing homes from another facility; prohibit, and develop centralized intake facilities. ***(Sen. Peter J. Lucido)***
0232	4990		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Health occupations**; health professionals*; licensing sanctions for health professionals who are nonparticipating providers and fail to provide certain disclosures or accept certain payment; establish. ***(Rep. Roger Hauck)***
0233	4991		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Health occupations**; health professionals*; licensing sanctions for health professionals who are nonparticipating providers and fail to provide certain disclosures or accept certain payment; establish. ***(Rep. Frank Liberati)***
0234	4459		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Health**; other*; charges by nonparticipating providers; regulate. ***(Rep. Roger Hauck)***
0235	4460		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Health**; other*; charges by nonparticipating providers; regulate. ***(Rep. Frank Liberati)***
0236	6030		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Torts**; defenses*; COVID-19 emergency; provide protection from liability to certain persons. ***(Rep. Thomas Albert)***
0237	6031		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Labor**; health and safety*; protection from liability related to an employee's exposure to COVID-19; provide to employers who comply with certain requirements. ***(Rep. Tommy Brann)***
0238	6032		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Labor**; fair employment practices*; employer taking adverse employment action against an employee who is absent from work because of COVID-19; prohibit. ***(Rep. Graham Filler)***

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	HB	SB					
0239	6101		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Labor**; health and safety*; protection from liability related to an employee's exposure to COVID-19; provide for a definition of COVID-19. ***(Rep. Wendell Byrd)***
0240	6159		Yes	10/22/2020	10/22/2020	10/22/2020	***Torts**; liability*; pandemic health care immunity act; create. ***(Rep. Roger Hauck)***
0241	6192		Yes	10/22/2020	10/22/2020	10/28/2020 #	***Traffic control**; driver license*; Traffic control; driver license; extension of renewal date for certain driver licenses and vehicle registrations; provide for. ***(Rep. Jack O'Malley)***
0242	5756		Yes	10/28/2020	10/28/2020	10/28/2020 #	***State**; identification cards*; extension of renewal date for state identification cards during a declared emergency; provide for. ***(Rep. Mike Mueller)***
0243	5757		Yes	10/28/2020	10/28/2020	10/28/2020 #	***Traffic control**; driver license*; extension of renewal date for enhanced driver licenses and enhanced state identification cards during a declared emergency; provide for. ***(Rep. Mike Mueller)***
0244	6137		Yes	11/5/2020	11/5/2020	11/5/2020 #	***Health facilities**; nursing homes*; additional requirements for certain homes for the aged and nursing homes dedicated as CARE facilities and residents who test positive for coronavirus; provide for. ***(Rep. Leslie Love)***
0245	6293		Yes	11/5/2020	11/5/2020	11/5/2020	***Health occupations**; health professionals*; COVID-19 testing services; allow certain licensees to administer under certain circumstances. ***(Rep. Graham Filler)***
0246	6294		Yes	11/5/2020	11/5/2020	11/5/2020	***Probate**; other*; electronically signing and witnessing certain documents; allow under certain conditions, and allow required visitations to take place electronically. ***(Rep. Sarah Lightner)***
0247	6295		Yes	11/5/2020	11/5/2020	11/5/2020	***Records**; other*; use of electronic records and signatures; modify. ***(Rep. Sarah Lightner)***
0248	6296		Yes	11/5/2020	11/5/2020	11/5/2020 #	***Property**; recording*; procedures under the uniform real property electronic recording act; revise to deal with the COVID-19 emergency. ***(Rep. Sarah Lightner)***

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	HB	SB					
0249	6297		Yes	11/5/2020	11/5/2020	11/5/2020	***Occupations**; notaries public*; a notary to utilize 2-way real-time audiovisual technology for notarial acts in certain circumstances; allow. ***(Rep. Sarah Lightner)***
Veto		0294	No	No		2/4/2020	***Construction**; other*; heating requirements for a building used as a viewing area for outdoor sporting activities; exempt. ***(Sen. Dale W. Zorn)***
Veto		0858	No	No		5/4/2020	***State financing and management**; other*; duration of executive orders, proclamations, and directives; modify. ***(Sen. Tom Barrett)***
Veto		0686	No	No		7/8/2020	***Public employees and officers**; other*; state agency or department disciplining an employee for communicating with a legislator; prohibit unless the communication is prohibited. ***(Sen. Tom Barrett)***
Veto		0935	No	No		7/8/2020	***Use tax**; collections*; collection of use tax for certain businesses affected by a declared emergency; delay. ***(Sen. Kevin Daley)***
Veto		0936	No	No		7/8/2020	***Sales tax**; collections*; collection of sales tax for certain businesses affected by a declared emergency; delay. ***(Sen. Jim Runestad)***
Veto		0937	No	No		7/8/2020	***Individual income tax**; withholding requirements*; remittance of withholding tax payments during state of emergency; ***(Sen. Curtis S. VanderWall)***
Veto	5761		No	No		7/8/2020	***Property tax**; payment and collection*; property tax deadlines that fall during a declared state of emergency; extend. ***(Rep. James Lower)***
Veto	5810		No	No		7/8/2020	***Property tax**; payment and collection*; summer 2020 property taxes; extend payment deadline and provide for early ***(Rep. James Lower)***
Veto		0956	No	No		7/31/2020	***Health facilities**; nursing homes*; admittance of COVID-19 positive patients to nursing homes from another facility; prohibit, and develop centralized intake facilities. ***(Sen. Peter J. Lucidol)***

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	HB	SB					
Veto		0899	No	No		8/10/2020	***Health occupations:;*** *health professionals*; immunity from civil or criminal liability during a declared emergency; provide for certain health care workers. ***(Sen. Michael D. MacDonald)***
Veto	5443		No	No		10/8/2020	***Children;*** *services*; kinship caregiver advisory council; create. ***(Rep. Kathy Crawford)***
Veto	4332		No	No		10/15/2020	***Natural resources;*** *funds*; use of pneumatic airbows in certain hunting seasons; allow. ***(Rep. Beau LaFave)***
Veto	5339		No	No		10/15/2020	***State financing and management;*** *escheats*; access to certain unclaimed property account information and distribution of certain unclaimed property to locators; modify. ***(Rep. Michael Webber)***
Veto	5340		No	No		10/15/2020	***State financing and management;*** *escheats*; contracts with certain locators; modify. ***(Rep. Wendell Byrd)***
Veto	4476		No	No		10/28/2020	***Transportation;*** *funds*; funding formula; modify. ***(Rep. Gary Eisen)***

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