



## Internet Gaming and Sports Betting FAQs For Businesses

### Licensing

**Q: I am a business owner and would like to be licensed by the MGCB to provide services for internet sports betting and/or online betting. What do I need to do?**

A: The MGCB has published application forms for online sports betting and internet gaming on its website. You will find links to forms on the [Internet Gaming and Fantasy Contests](#) page.

If you are uncertain whether you require a license or registration, please complete and submit a [Supplier Inquiry Form](#). Upon receipt of this form, a licensing coordinator will contact you to discuss licensing requirements.

### Equipment

**Q: Can an internet gaming and/or internet sports betting supplier license applicant ship equipment (ex., blank servers, switches, routers, etc.) to a Michigan facility (i.e., data center or casino)?**

A: An internet gaming and/or internet sports betting supplier license applicant is not prohibited from shipping equipment to a Michigan facility prior to receiving a license for the purpose of preparing for the launch of internet gaming and/or internet sports betting in Michigan, provided both of the following conditions are met:

(1) No gaming software is installed in the live gaming or production environment unless approved by the MGCB or used only to conduct limited testing in accordance with the conditions established below.

(2) The equipment will not be used for internet gaming and/or internet sports betting until the internet gaming and/or internet sports betting operator is licensed and authorized by the MGCB to go live.

The shipment of equipment prior to licensure will have no bearing on the MGCB's decision to grant or deny an applicant's request for a license. In the event an applicant does not receive a license for any reason, the MGCB assumes no liability.

**Q: May operators and platform providers perform very limited testing in the production environment, primarily to test setup and integrations to ensure the production**

**environment is fully functional, provided that the production environment has no external exposure until the approved go-live date and time?**

A: Yes, provided all of the following conditions are met:

- (1) There are no alternative means to perform the testing in a test environment that mirrors the production environment.
- (2) Testing will be performed by operator or platform provider personnel and their identified designees who have read and agreed to all test account protocols established by the operator's or platform provider's internal controls in accordance with the administrative rules.
- (3) Testing will be performed on a secure and separate VPN identified only for the purposes of the limited testing.
- (4) The purpose and scope of the limited testing must be documented, and sufficient records of all testing must be maintained.
- (5) The production environment is used only for the purposes of the limited testing.
- (6) The test case must have a specific open and ending time which must be reasonable to the amount of time needed to perform testing. As an alternative, the operator or platform provider must closely apprise the board of testing open and ending times.
- (7) The production environment used for limited testing must not have any external or public exposure.
- (8) The operator or platform provider must have strict procedures in place to ensure that the production environment used for limited testing does not have any external or public exposure.
- (9) On completion of testing, all test data must be properly identified and segregated or deleted from the production environment.

This allowance shall have no bearing on the MGCB's decision to grant or deny an applicant's request for a license. In the event an applicant does not receive a license for any reason, the MGCB assumes no liability.

## **Branding Requirements**

**Q: What are the branding requirements for internet gaming?**

A: Sec. 4(7) of the Lawful Internet Gaming Act, MCL 432.304(7), states: "An internet gaming operator may offer internet gaming under a maximum of 2 separate brands, 1 for each of interactive poker and other casino style games. This subsection does not prohibit an internet gaming operator from using fewer than 2 brands or from using a single brand to offer any combination of interactive poker or other casino style games. Only an internet gaming operator or its internet gaming platform providers may process, accept, or solicit internet wagers under this act. All websites and corresponding applications used to offer internet gaming must clearly display the brand of the internet gaming operator or its affiliate. The internet gaming operator may also elect, in its sole discretion, to have the brand of each internet gaming platform that it utilizes be the name and logos or no more than 1 internet gaming platform provider if the

internet gaming platform also clearly displays the internet gaming operator's own trademarks and logos or those of an affiliate. The internet gaming operator is responsible for the conduct of its internet gaming platform provider.”

**Q: What are the branding requirements for internet sports betting?**

A: Sec. 4(7) of the Lawful Sports Betting Act, MCL 432.404(7), states: “A sports betting operator may use no more than 1 internet sports betting platform to offer, conduct, or operate internet sports betting. Only a sports betting operator or its internet sports betting platform provider may process, accept, offer, or solicit internet sports betting wagers. The sports betting operator must clearly display its own brand or that of an affiliate on the internet sports betting platform that it utilizes. The sports betting operator may also elect, in its sole discretion, to have the brand of the internet sports betting platform that it utilizes be the name and logos of no more than 1 internet sports betting platform provider if the internet sports betting platform also clearly displays the sports betting operator's own trademarks and logos or those of an affiliate. A sports betting operator is responsible for the conduct of its internet sports betting platform provider.”

**Q: The acts establish requirements for the branding of internet gaming and internet sports betting platforms. What does the platform include?**

A: The platform is the integrated system of hardware, software, applications, including mobile applications, and servers through which an operator operates, conducts, or offers internet gaming or internet sports betting. The platform generally includes all mobile applications and websites used to offer internet gaming or internet sports betting to authorized participants.

## **Operator Branding**

**Q: What brand must be displayed on each platform?**

A: The operator’s own brand or that of an affiliate must be clearly displayed on each platform. This applies regardless of whether the operator elects to include the name and logos of its platform provider on the platform.

**Q: Who is an affiliate?**

A: An affiliate is a person that, directly or indirectly, through one or more intermediaries, controls or is controlled by an operator.

**Q: What is considered the operator’s own brand or that of an affiliate?**

A: This includes the operator’s or its affiliate’s own name and any trademarks or logos registered to or owned by the operator or its affiliate. Names, trademarks, and logos owned by a person other than the operator or its affiliate are not considered the operator’s or its affiliate’s own brand, regardless of whether the operator or its affiliate has acquired the rights to use such names, trademarks, and logos.

**Q: How must the operator’s or its affiliate’s own brand be displayed on each platform?**

A: The operator’s or its affiliate’s own brand must be clearly displayed on each platform, including on all mobile applications and websites used to conduct internet gaming or internet

sports betting. The operator's or its affiliate's brand must be distinctive, prominently featured, and obvious and visible to the authorized participant.

## **Platform Provider Branding**

**Q: Can the operator also display its platform provider's brand on the platform?**

A: Yes. At the operator's discretion, the name and logos of no more than one platform provider may be displayed on each platform. However, each platform must also clearly display the operator's or its affiliate's own brand.

**Q: What constitutes a platform provider's name and logos?**

A: Any name and logos the platform provider owns or otherwise has the right to display on the platform.

**Q: Can the names and logos of multiple platform providers be displayed on a single platform?**

A: No. Each platform may display the name and logos of no more than one platform provider.

**Q: If a platform provider owns or possesses the rights to use multiple names, can more than one platform provider name be displayed on a single platform?**

A: No. One platform provider name may be displayed on each platform.

## **Separate Branding**

**Q: Can an operator use separately branded mobile applications or websites to connect to the same platform?**

A: No. Each platform, inclusive of any mobile applications and websites, is limited to a single brand. That brand must clearly include the operator's or its affiliate's own brand and may also include the name and logos of no more than one platform provider.

**Q: Can different brands be used to offer internet gaming?**

A: Yes. If an operator utilizes separate platforms for interactive poker and other casino-style games, each platform may, at the operator's discretion, display a different brand. The brand of each platform, including any mobile applications and websites, must clearly include the operator's or its affiliate's own brand and may include the name and logos of no more than one platform provider.

**Q: How many separately branded platforms can an operator use?**

A: An operator can utilize a maximum of three separately branded platforms – one internet sports betting platform, one internet gaming platform used to conduct interactive poker, and one internet gaming platform used to conduct other casino style games. Each platform may display a different brand, subject to the branding requirements outlined above.

## **Authorized Participant Accounts**

**Q: May operators and platform providers launch applications in the various app stores prior to go live where authorized participants may download the app and create accounts but would not be allowed to place any wagers until board approval is granted to launch?**

A: Yes, provided the accounts are created in accordance with Part 5 of the internet sports betting and/or internet gaming administrative rules, as applicable, and operators and platform providers follow know your customer requirements. The board provides no guarantees regarding licensing or any other necessary approval to launch.

**Q: Can an operator or platform provider allow authorized participants to deposit funds to their accounts prior to go live provided that no wagers will be placed or accepted until the operator or platform provider receives board approval to launch?**

A: Yes, subject to all of the following conditions:

(1) An authorized participant must establish an account before making a deposit. The account must be created in accordance with Part 5 of the internet sports betting and/or internet gaming administrative rules, as applicable, and the operator or platform provider must follow know your customer requirements.

(2) The operator or platform provider must comply with all applicable provisions of the internet sports betting and/or internet gaming administrative rules.

(3) The operator or platform provider and its payment processors must comply with applicable state and federal law.

(4) The operator or platform provider must maintain sufficient records of all deposits.

(5) Authorized participants must be prevented from placing wagers until the operator or platform provider is approved by the board to launch. The board provides no guarantees regarding licensing or any other necessary approval to launch.

## **Advertising**

**Q: Can an operator and/or platform provider advertise its internet gaming and/or internet sports betting products in Michigan?**

A: Yes. Advertising, both before and after launch, is allowed. An operator or platform provider does not need a license from the board to conduct advertising. The board provides no guarantees regarding licensing or any other necessary approval to launch.

**Q: What requirements apply to internet gaming and internet sports betting advertisements?**

A: Under the administrative rules and related technical standards, internet gaming and internet sports betting advertisements cannot target self-excluded individuals. Advertisements directed to the general public at large are not considered advertisements that target any specific individuals, including those that may be self-excluded.

**Q: Are there branding requirements for advertisements?**

A: No. The statutory branding requirements, which are outlined above, apply to platforms only. There are no branding requirements for advertisements.

**Q: Are there any restrictions on the methods that can be used for internet gaming and internet sports betting advertisements?**

A: There are no restrictions on the methods that can be used to advertise internet gaming and internet sports betting, subject to both of the following: (1) advertisements must not target self-excluded individuals; and (2) a marketing affiliate licensed or registered by the board must not promote or market illegal online gaming sites to individuals located in Michigan. Advertising can be conducted via both traditional methods and social media.

**Q: Is board approval of advertisements required?**

A: No. Board approval of internet gaming and internet sports betting advertisements is not required.

**Q: A social media platform or other publisher has requested confirmation from the board that a specific operator and/or platform provider is allowed to advertise, and that board approval is not required. Can the board provide this confirmation?**

A: Yes. Please email the request to [hicksd8@michigan.gov](mailto:hicksd8@michigan.gov).

**Q: Are advertisers required to be licensed or registered with the Board?**

A: If the advertiser is an affiliate marketer and has an agreement based on the sharing of customer revenue, it must be licensed as a [supplier](#). Affiliate marketers that do *not* have an agreement based on the sharing of customer revenue must register with the Board as a [vendor](#). “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.

An advertiser, who is not an affiliate marketer, is *not* required to register if it provides *less* than \$100,000 worth of goods or services, or both, to any internet gaming/sports betting operator (operator) or internet gaming/sports betting platform provider (platform provider) in connection with its Michigan operation in a calendar year.

An advertiser, who is not an affiliate marketer, must register as a [vendor](#) if it provides *more* than \$100,000 worth of goods or services, or both, to any operator or platform provider in connection with its Michigan operation in a calendar year. This applies to media buying agents and advertisers who have contractual relationships with an operator or platform provider. This does not apply to media outlets and other advertisers providing goods or services through a media buying agent.

## **Bonuses and Promotions**

**Q: Can an operator or platform provider conduct internet gaming and/or internet sports betting bonus and promotional wagering offers?**

A: Yes. An operator or platform provider may conduct internet gaming and/or internet sports betting bonus and promotional wagering offers. This includes any bonus or promotion that involves internet wagers, internet sports betting wagers, internet wagering accounts, and/or internet sports betting accounts. Examples may include, but are not limited to:

- Deposit bonuses.
- Risk free wagers.
- Loss refunds.
- Promotional odds or lines.
- Free wagers.
- Promotional drawings or raffles that involve internet wagers, internet sports betting wagers, internet wagering accounts, and/or internet sports betting accounts (e.g., if an authorized participant is required to have an internet wagering or internet sports betting account to participate; if an authorized participant must conduct internet wagers or internet sports betting wagers to earn entries; if an authorized participant can win money, free play, or any other representation of value that will be deposited into their internet wagering or internet sports betting account; etc.).

**Q: What requirements apply to internet gaming and/or internet sports betting bonus and promotional wagering offers?**

A: Internet gaming and internet sports betting bonus and promotional wagering offers must adhere to recordkeeping and operational requirements prescribed in the administrative rules and related technical standards. See R 432.649(2)-(4) and R 432.749(2)-(5). These requirements apply to all bonus and promotional wagering offers conducted after an operator or platform provider launches internet gaming and/or internet sports betting in Michigan. In addition, any bonus and promotional wagering offers initiated before launch that will be completed after launch or will otherwise impact regulated internet gaming and/or internet sports betting are expected to meet these requirements (e.g., if an authorized participant will receive funds, free play, etc. once internet gaming and/or internet sports betting go live).

Please note that any bonus or promotional wagering offer that impacts or involves land-based casino gaming at a Detroit casino may be subject to requirements of the Michigan Gaming Control and Revenue Act and related rules.

**Q: Can an operator or platform provider conduct a bonus or promotion that does not involve internet wagering and/or internet sports betting wagering?**

A: Bonuses and promotions that do not involve internet wagers, internet sports betting wagers, internet wagering accounts, and/or internet sports betting accounts are outside the scope of the Lawful Internet Gaming Act (LIGA), Lawful Sports Betting Act (LSBA), and related administrative rules. Non-wagering bonuses and promotions are not regulated by the board under the LIGA, LSBA, and related rules and generally are not subject to the requirements outlined above. Operators and platform providers are responsible for ensuring that non-wagering bonuses and promotions comply with all applicable laws and regulations (e.g., the Michigan Penal Code). In

addition, operators and platform providers must maintain records of all non-wagering bonuses and promotions and provide such records to the board on request.

Please note that any bonus or promotion that impacts or involves land-based casino gaming at a Detroit casino may be subject to requirements of the Michigan Gaming Control and Revenue Act and related rules.

**Q: Can an operator or platform provider conduct a promotional drawing or raffle?**

A: Yes. An operator or platform provider can conduct a promotional drawing or raffle that involves internet wagers, internet sports betting wagers, internet wagering accounts, and/or internet sports betting accounts. Such drawings and raffles are regulated by the board under the LIGA, LSBA, and related rules and are subject to the requirements outlined above.

Non-wagering promotions involving a drawing or raffle are not regulated by the board under the LIGA, LSBA, and related rules, as stated above.

**Q: Is board approval of bonuses and promotions required?**

A: No. Board approval of internet gaming and internet sports betting bonuses and promotions is not required.

## **Tournaments and Contests**

**Q: What requirements apply to internet gaming and internet sports betting tournaments and contests? Is board approval required?**

A: Tournaments and contest must adhere to recordkeeping and operational requirements prescribed in the administrative rules and related technical standards. While board approval is not required, an operator or platform provider must file written notice with the board prior to the first time a tournament or contest type is conducted. An operator or platform provider may file a master tournament list with the board to satisfy this requirement.

## **Geofencing**

**Q: Are licensed operators and their platform providers required to use geofencing technology to block wagers initiated by individuals physically located in any geographic areas within the state of Michigan (e.g., Indian land)?**

A: The Lawful Internet Gaming Act and Lawful Sports Betting Act provide that wagers must be initiated and received or otherwise made by an authorized participant located in the state of Michigan or, for internet sports betting or internet poker only, another jurisdiction in the United States authorized by a multijurisdictional agreement entered into by the board. The acts do not restrict locations within the state of Michigan from which wagers may be accepted by a licensed operator. Licensed operators and their platform providers may accept wagers from individuals located anywhere within the geographic boundaries of the state of Michigan, including on Indian land, unless otherwise provided in applicable federal law. See [Technical Bulletin 2020-01](#) for more information on geofencing specifications and requirements.



## **Internet Gaming and Internet Sports Betting Conducted Exclusively on Indian Lands**

**Q: Can an Indian tribe conduct internet gaming and/or internet sports betting exclusively on Indian lands that is not subject to the Lawful Internet Gaming Act and/or Lawful Sports Betting Act?**

A: Yes, provided each wager meets applicable criteria for exemption, including: (1) the individual who places the wager is physically present on Indian lands when the wager is initiated; (2) the wager is received or otherwise made on equipment that is physically located on Indian lands; and (3) the wager is initiated, received, or otherwise made in conformity with the safe harbor requirements described in 31 USC 5362(10)(c). If the wager is initiated through an internet wagering account or internet sports betting account and received on an MGCB-approved internet gaming platform or internet sports betting platform, the tribe will have to use MGCB-approved methods (such as an audit trail from a licensed geolocation service provider) to validate that the wager is exempt from the Lawful Internet Gaming Act or Lawful Sports Betting Act. Exempt wagers can be deducted or otherwise excluded from the payments a tribe makes under those acts.

## **Responsible Gaming Databases**

**Q: Has MGCB developed the responsible gaming databases yet?**

A: Yes. For questions regarding the responsible gaming databases and distribution to operators and platform providers, please contact Sandra Johnson at [johnsons56@michigan.gov](mailto:johnsons56@michigan.gov).

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