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December 16, 2021

SUBMITTED VIA EMAIL

Members of the Michigan Gaming Control Board,

As you know, the Michigan Legislature passed, and Governor Whitmer signed into law, a package of bills in late 2019 formally legalizing both online and casino-based sports betting, online casino gaming, and fantasy sports contests. These bills were the culmination of many months of collaboration and negotiation between stakeholders, the legislature, and the administration. I am proud to have worked to negotiate this package of bills through the Senate and ultimately for the Governor's signature.

After review of the draft rules for fantasy sports contests I firmly believe that the draft rules go beyond the scope of the intent of the legislation as passed back in 2019. In particular, under *Part 3: Conduct of Fantasy Contests, Rule 531, subsection 3(b)* it appears the MGCB has imported language from the rule set in the state of Ohio that was intentionally left out of the legislation we passed here in Michigan. "Proposition selection or fantasy contests that have the effect of mimicking proposition selection" is language that looks to be taken directly from Ohio's rule set seemingly with little regard for the fact that they included such verbiage in their legislation while Michigan did not.

While it is clear that daily fantasy contests should not be permitted to mimic a wager on the outcome of a sporting match or game, daily fantasy sports in its essence are a form of gaming based on individual athletes' statistical output in a given contest.

I respectfully request that you remove this language from the draft rules before sending to the Joint Committee on Administrative Rules for final approval. Thank you for your prompt attention to this matter.

Sincerely,

Curtis Hertel, Jr.
State Senator
District 23