

# HOUSE BILL NO. 4494

May 15, 2025, Introduced by Reps. Snyder, Steckloff, Skaggs, Rogers, B. Carter, Young, Paiz, Glanville, Mentzer, McFall, Witwer, Rigas, Borton, Harris, Wozniak, Meerman, Bierlein, Cavitt, Green, Liberati, Roth, Mueller, Pohutsky, Outman, Posthumus, DeBoyer, Beson, Tsernoglou, VanderWall and Fitzgerald and referred to Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 303 and 310b (MCL 750.303 and 750.310b),  
section 303 as amended by 1996 PA 129 and section 310b as amended  
by 2010 PA 219.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 303. (1) Except as otherwise provided in this section, a  
2 person who for hire, gain, or reward, keeps or maintains a gaming  
3 room, gaming table, game of skill or chance, or game partly of  
4 skill and partly of chance, used for gaming, or who permits a  
5 gaming room, or gaming table, or game to be kept, maintained, or

1 played on premises occupied or controlled by the person, is guilty  
 2 of a misdemeanor, punishable by imprisonment for not more than 2  
 3 ~~years, or 1 year~~, a fine of not more than \$1,000.00, **or both**. A  
 4 person who aids, assists, or abets in the keeping or maintaining of  
 5 a gaming room, gaming table, or game, is guilty of a misdemeanor,  
 6 punishable by imprisonment for not more than ~~2 years, 1 year~~, or a  
 7 fine of not more than ~~\$1,000.00.~~ **\$20,000.00.**

8 (2) Subsection (1) does not apply to a mechanical amusement  
 9 device which may, through the application of ~~an some~~ element of  
 10 skill, reward the player with the right to replay the mechanical  
 11 amusement device at no additional cost if the mechanical amusement  
 12 device ~~is not allowed to~~ **meets all of the following criteria:**

13 (a) **Does not allow a player to** accumulate more than 15 replays  
 14 at 1 time. ~~; the mechanical amusement device is~~

15 (b) **Is** designed so that accumulated free ~~replays~~ **plays** may  
 16 only be discharged by reactivating the device for 1 additional play  
 17 for each accumulated free ~~replay~~; ~~and the mechanical amusement~~  
 18 ~~device makes~~ **play.**

19 (c) **Makes** no permanent record, directly or indirectly, of the  
 20 free replays awarded.

21 (3) Subsection (1) does not apply to a slot machine if the  
 22 slot machine is 25 years old or older and is not used for gambling  
 23 purposes. As used in this section, "slot machine" means a  
 24 mechanical device, an essential part of which is a drum or reel  
 25 ~~which that~~ bears an insignia and ~~which that~~ when operated may  
 26 deliver, as a result ~~of the application of an element~~ **entirely** of  
 27 chance, a token or money or property, or by operation of which a  
 28 person may become entitled to receive, as a result ~~of the~~  
 29 ~~application of an element~~ **entirely** of chance, a token or money or

1 property.

2 (4) A slot machine ~~which is being used~~ for a gambling purpose  
3 in violation of subsection (3) ~~shall~~**must** be confiscated and turned  
4 over to the director of the department of state police for auction.

5 (5) Subsection (1) does not apply to a ~~crane game.~~**redemption**  
6 **game machine or a person distributing or offering a redemption game**  
7 **machine for play.** As used in this section, ~~"crane game" means an~~  
8 ~~amusement machine activated by the insertion of a coin by which the~~  
9 ~~player uses 1 or more buttons, joysticks, or similar means of~~  
10 ~~control, or a combination of those means of control, to position a~~  
11 ~~mechanical or electromechanical claw, or other retrieval device,~~  
12 ~~over a prize, toy, novelty, or an edible item having a wholesale~~  
13 ~~value of not more than \$3.75, and thereby attempts to retrieve the~~  
14 ~~prize, toy, novelty, or edible item. Every prize, toy, or edible~~  
15 ~~item must be retrievable by the claw. A slot machine is not~~  
16 ~~considered a crane game.~~

17 ~~(6) A person who knowingly alters a crane game that is~~  
18 ~~available for play so that the crane game is not in compliance with~~  
19 ~~the elements of the definition contained in subsection (5) is~~  
20 ~~guilty of a felony, punishable by imprisonment for not more than 2~~  
21 ~~years, or a fine of not more than \$20,000.00, or both.~~

22 ~~(7) A law enforcement officer may confiscate any crane game~~  
23 ~~that is available for play and is not in compliance with the~~  
24 ~~elements of the definition contained in subsection (5). The~~  
25 ~~confiscated crane games and their contents shall not be destroyed,~~  
26 ~~altered, dismantled, sold, or otherwise disposed of except upon~~  
27 ~~order of a court having competent jurisdiction.~~

28 ~~(8) The following notice shall be conspicuously posted on the~~  
29 ~~front of every crane game located in this state: "This game is not~~

~~licensed or regulated by the state of Michigan.~~"**redemption game machine" means that term as defined in section 310b.**

Sec. 310b. (1) This chapter does not apply to a redemption game **machine** if all of the following conditions are met:

(a) The outcome of the game is determined through the application of ~~an some~~ element of skill **or any combination of skill and chance** by ~~the a~~ player.

(b) ~~The award of the prize outcome of the game is based upon on the player's~~**player** achieving the object of the game or ~~otherwise upon on~~ the player's score.

(c) Only noncash prizes, **stored value cards**, toys, novelties, ~~or edible items~~, coupons, or other representations of value redeemable for noncash prizes ~~, toys, or novelties are may be~~ awarded. ~~A gift card may be~~**The award of stored value cards** awarded under this subdivision ~~if all of the following apply:~~**is subject to all of the following conditions:**

(i) ~~The gift card is usable only at a retailer or an affiliated group of retailers.~~**The maximum amount in a single stored value card does not exceed \$500.00.**

(ii) ~~The gift~~**stored value** card is issued in a specified amount.

(iii) ~~The gift~~**stored value** card is **not** redeemable ~~only for~~ goods and services available from the retailer or retailers and not for cash. **The stored value card may be redeemable as payment for goods and services to a person that accepts a stored value card.**

(iv) Information on the ~~gift~~**stored value** card may not be altered ~~with the use of~~**using** a personal identification number.

(d) The **maximum** wholesale value of ~~a any~~ prize ~~, toy, or novelty~~ awarded for the successful ~~single~~ play of a game ~~is not~~

1 ~~more than \$3.75.~~ must not exceed \$500.00. An individual may win more  
2 than 1 stored value card in a 24-hour period.

3 (e) ~~The redemption value of coupons or other representations~~  
4 ~~of value awarded for the successful single play of a game does not~~  
5 ~~exceed 15 times the amount charged for a single play of the game or~~  
6 ~~a \$3.75 per play average, whichever is less. However, players may~~  
7 ~~accumulate coupons or other representations of value for redemption~~  
8 ~~for noncash prizes, toys, or novelties of a greater value up to,~~  
9 ~~but not exceeding, \$500.00 wholesale value.~~ The software within the  
10 redemption game machine is inspected and certified as compliant  
11 with subdivisions (a) and (b) by an independent gaming compliance  
12 laboratory before offering a game that awards a stored value card  
13 as a prize.

14 (2) A person shall offer for play no more than 8 redemption  
15 game machines that award stored value cards as a prize at any 1  
16 establishment. The limit under this subsection does not apply to a  
17 person that does not award stored value cards as a prize.

18 (3) After certification by an independent gaming compliance  
19 laboratory, a person that knowingly and intentionally tampers with  
20 a redemption game machine so that gameplay mechanics are altered in  
21 a manner inconsistent or contrary to the certification of  
22 compliance issued by the independent gaming compliance laboratory  
23 is guilty of a misdemeanor punishable by imprisonment for not more  
24 than 1 year or a fine of not more than \$20,000.00, or both. A  
25 redemption game machine that is found to be in violation of this  
26 section may be confiscated by the director of the department of  
27 state police and offered at public auction.

28 (4) The attorney general may commence and maintain a criminal  
29 or civil action, including a request for legal or equitable

1 remedies, for a violation of this chapter. The attorney general may  
2 collect reasonable attorney fees and costs expended in a successful  
3 civil action under this section.

4 (5) A person may commence and maintain a private cause of  
5 action to enforce this section, including a request for legal or  
6 equitable remedies for ongoing or future violations of this  
7 section. A person that successfully prosecutes a civil action under  
8 this section may collect reasonable attorney fees and costs  
9 expended.

10 (6) A person offering a redemption game machine for play that  
11 awards a stored value card as a prize shall pay an annual  
12 regulatory fee of \$100.00 for each redemption game machine offered  
13 for play on the person's premises. The regulatory fee is payable to  
14 the department of treasury on January 1 each year to be deposited  
15 in the school aid fund to provide additional funds for K-12  
16 classroom education.

17 (7) A person offering a redemption game machine for play that  
18 awards a stored value card as a prize shall place a permanent  
19 notification tag on the redemption game machine, visible to a  
20 player, stating all of the following:

21 (a) This redemption game machine is offered for play in  
22 accordance with MCL 750.310b.

23 (b) This redemption game machine is intended for play by  
24 individuals 18 years of age or older.

25 (c) The software within this redemption game machine has been  
26 inspected by an independent gaming compliance laboratory and has  
27 been certified as compliant with MCL 750.310b.

28 (d) This redemption game machine requires the application of  
29 some skill.

(e) Cash will not be awarded as a prize. A player who applies some skill and achieves the object of the game or a preestablished score will be awarded a stored value card or a prize authorized under Michigan law.

(f) The award of a stored value card is subject to all of the following conditions:

(i) The value of any single stored value card must not exceed \$500.00.

(ii) The stored value card must be issued in a specified amount.

(iii) The stored value card is not redeemable for cash but may be redeemable as payment for goods and services with a person who accepts a stored value card.

(iv) The information on the stored value card may not be altered using a personal identification number.

(g) The maximum value on a stored value card must not exceed \$500.00.

(h) A player may win more than 1 stored value card in a 24-hour period.

(8) A person offering a redemption game machine for play that awards a stored value card as a prize or a person engaged in the supply of redemption game machines may do all of the following:

(a) Assert compliance with this section as an affirmative defense in a criminal, civil, or disciplinary proceeding alleging a violation of this section. The defense under this subsection must be presumed valid if the evidence shows that an independent gaming compliance laboratory has tested the software within the redemption game machine and has offered a professional opinion that all of the following are true:

(i) The redemption game machine requires a player to apply some element of skill before the machine awards a prize.

(ii) The software within the redemption game machine is otherwise in compliance with this section.

(b) In a civil or administrative proceeding, assert compliance with this section in a motion to dismiss. The charges must be dismissed following an evidentiary hearing where the person shows, by a preponderance of the evidence, each of the elements under subdivision (a). If a person shows the person has met each of the elements under subdivision (a), the person is not subject to either of the following:

(i) Disciplinary action by a regulatory agency.

(ii) Forfeiture of any interest in or right to property.

(c) In a criminal proceeding, assert compliance with this section in a motion to dismiss the charges. The defense must be presumed valid and the charges must be dismissed following an evidentiary hearing where the person demonstrates, by a preponderance of the evidence, each of the elements under subdivision (a). Nothing in this section may be construed to relieve a prosecutor or the attorney general, in a criminal proceeding, of the burden of proving, beyond a reasonable doubt, that the defendant violated this act.

(9) Subsections (1) to (6) and (8), as amended by the amendatory act that added this subsection, apply retroactively to January 1, 2022.

(10) ~~(2) As used in this section: , "redemption game" means a single player or multiplayer mechanical, electronic, or manual amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, propelling, or stopping a ball~~



1 ~~or other object into, upon, or against a hole or other target.~~

2 ~~Redemption game does not include either of the following:~~

3 ~~(a) A game such as roulette, beano, cards, dice, wheel of~~  
4 ~~fortune, video poker, a slot machine, or another game in which~~  
5 ~~winning depends primarily upon fortuitous or accidental~~  
6 ~~circumstances beyond the control of the player.~~

7 ~~(b) A game that includes a mechanical or physical device that~~  
8 ~~directly or indirectly impairs or thwarts the skill of the player.~~

9 (a) "Crane game" means a redemption game machine offered for  
10 play and activated by the insertion of a coin, token, or other  
11 payment device by which the player uses 1 or more buttons,  
12 joysticks, or similar means of control, or a combination of the  
13 means of control, to position a mechanical or electromechanical  
14 claw or other retrieval device over a prize, toy, novelty, or  
15 edible item to attempt to retrieve the prize, toy, novelty, or  
16 edible item. Every prize, toy, novelty, and edible item must be  
17 retrievable by the claw and adhere to the prize value limit under  
18 subsection (1).

19 (b) "Independent gaming compliance laboratory" means a person  
20 that meets all of the following requirements:

21 (i) Holds an accreditation under ISO/TEC 17025 by the American  
22 Association for Laboratory Accreditation or equivalent.

23 (ii) Possesses scientific, technical, or other specialized  
24 knowledge in the play, operation, or regulation of gaming,  
25 including, but not limited to, redemption game machines.

26 (iii) Provides an unbiased written opinion or certification as  
27 to a redemption game machine's compliance with this section after  
28 inspection of the software within the redemption game machine.

29 (c) "Person" means an individual, association, trustee,

1 receiver, partnership, corporation, limited liability company, or  
2 organization, or a manager, agent, servant, or employee of an  
3 individual, association, trustee, receiver, partnership,  
4 corporation, limited liability company, or organization.

5 (d) "Pusher game" means a redemption game machine activated by  
6 a coin, token, or other payment device by which a player uses  
7 buttons, joysticks, or a combination of those means to control a  
8 pusher bar, mechanical arm, or other electronic means to push or  
9 direct a token, ball, novelty, or edible item into a dispenser or a  
10 closed loop system to award points or prizes. Currency, including  
11 paper money or coins, of any country, including, but not limited  
12 to, the United States, or Bitcoin must not be displayed on the  
13 pusher bed. A stored value card or other prize, toy, or edible item  
14 awarded must adhere to the prize value limit under subsection (1).

15 (e) "Redemption game machine" means a game, including, but not  
16 limited to, a crane game, a pusher game, or a single player or  
17 multiplayer mechanical, electronic, or manual amusement device,  
18 that is either physically played or played using electronic  
19 controls, using a touch screen, or through the use of computer  
20 generated graphics on a video monitor display or a display whose  
21 purpose is to award prizes under this section.

22 (f) "Some element of skill" means that before the award of a  
23 prize, a player has the ability to apply any of the following  
24 factors alone or in combination:

25 (i) A learned power of doing a thing competently.

26 (ii) A particular craft, art, ability, strategy, or tactic.

27 (iii) A developed or acquired aptitude or ability.

28 (iv) A coordinated set of actions, including, but not limited  
29 to, eye-hand coordination.

1           (v) Dexterity, fluency, or coordination in the execution of  
2 learned physical or mental tasks, or both.

3           (vi) Technical proficiency or expertise.

4           (vii) Development or implementation of strategy or tactics to  
5 achieve a goal.

6           (viii) Knowledge of the means or methods of accomplishing a  
7 task.

8           (g) "Stored value card" means an electronic card, including a  
9 gift card, preloaded with a specific dollar amount that satisfies  
10 the conditions under subsection (1).