

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

MICHIGAN CHILDREN'S PROTECTION REGISTRY RULES

(By authority conferred on the department of labor and economic growth by section 3 of 2004 PA 241, MCL 752.1063)

R 484.501 Definitions.

Rule 1. As used in these rules:

(a) "Children's Protection Registry Fund" means a separate fund created in the state treasury to be administered by the department under section 4 of 2004 PA 241, MCL 752.1064. The fund shall serve as a repository for fees collected under section 3 of the Michigan Children's Protection Registry Act.

(b) "Cohort" means a logical grouping of minors represented by a group registrant. Uses of cohorts include, but are not limited to, schools choosing to register each graduating class with a designated birth year.

(c) "Contact point" means any electronic identification to which messages can be sent, including any of the following:

(i) An instant message identity.

(ii) A wireless telephone number.

(iii) A pager number.

(iv) A facsimile number.

(v) An electronic mail address.

(vi) Other electronic addresses subject to rules promulgated under 2004 PA 241, MCL 752.1063 by the department.

(d) "Department" means the Michigan department of labor and economic growth.

(e) "Digital media" means any magnetic or electronic storage device, including but not limited to, hard disks, floppy diskettes, backup media, CD-Roms, DVD-Roms, Zip disks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks

(f) "Group registrant" means a school or other entity primarily serving minors who registers 1 or more contact points on behalf of its minor constituency.

(g) "Internet domain name" means a registered and easily identifiable alias for a globally unique, hierarchical numerical reference to an Internet host or service, assigned through centralized Internet authorities, comprising a series of character strings separated by periods.

(h) "Minor" means an individual under the age of 18 years.

(i) "Person" means an individual, corporation, association, partnership, or any other legal entity.

(j) "Prohibited message" means any message, whether direct or indirect, with the primary purpose of advertising or presenting, or otherwise linking to a message that advertises or presents, a product or service that a minor is prohibited by law from purchasing, viewing, possessing, participating in, or otherwise receiving. This includes, but is not limited to, sexually explicit materials, tobacco products, illegal drugs, gambling opportunities, and alcoholic beverages.

(k) "Protect MI Child Act" means the Michigan Children's Protection Registry Act, 2004 PA 241, MCL 752.1061 to 752.1068.

(l) "Registry" or "Protect MI Child Registry" means the child protection registry created under section 3 of 2004 PA 241, MCL 752.1063.

(m) "Responsible party" means a parent, guardian, individual, or group registrant who is responsible for a contact point to which a minor may have access.

(n) "Sender" means any person who conveys, seeks to convey, or attempts to convey, directly or indirectly, a prohibited message.

(o) "State" means the state of Michigan.

(p) "Vendor" means a third-party administrator who operates the Protect MI Child Registry and related services under contract to the state of Michigan.

(q) "Website" means a particular company, user, or organization's HTML pages collectively accessible on the World Wide Web through a web server. A website is accessible through a unique Internet address or uniform resource locator (URL).

History: 2005 AACCS.

R 484.502 Accessibility of registry through secure website.

Rule 2. (a) All registrations, including amendments, renewals, and deletions related thereto, shall be made through 1 or more secure and encrypted websites to be established and operated by the department or under contract to the department.

(b) Transactions for both registrants and senders shall be accommodated through the department's website.

History: 2005 AACCS.

R 484.503 Registrants.

Rule 3. A responsible party may register a contact point with the department under these rules.

History: 2005 AACCS.

R 484.504 Registration process and required information.

Rule 4. (1) A responsible party may register contact points by the following means:

(a) The preferred method of registration shall be through the department website.

(b) Group registrants may also register by other means as determined by the department.

(c) If a responsible party chooses to register using an alternative medium, which may include digital media, approved by the department, then the information that is submitted shall be entered into the department website for official registry.

(2) The following are required fields for information on minors submitted by individual registrants:

(a) The following fields for the following contact points shall be provided:

(i) Electronic mail address or addresses.

(ii) Telephone phone number or numbers including mobile, pager, and facsimile.

(iii) Instant message identity.

(iv) Other information required to adequately identify the contact point.

(b) Birth date.

(c) Submission date and time stamp.

(3) The following are required fields for information on the responsible party who submits an individual registration:

(a) Full name.

(b) Mailing address.

(c) Telephone number or numbers at which the party can be contacted.

(d) Electronic mail address.

(4) A responsible party may, as an individual registrant, submit entries for up to 15 children.

(5) The following are required fields for information on minors submitted by group registrants:

(a) Fields for the following contact points shall be provided:

(i) Electronic mail address or addresses.

(ii) Telephone phone number or numbers including mobile, pager, and facsimile.

(iii) Internet domain name if entire suffix is to be blocked.

(iv) Instant message identity.

(v) Other information required to adequately identify the contact point.

(b) Birth date or cohort year.

(c) Submission date and time stamp.

(6) The following are required fields for information on the responsible party who submits a group registration:

- (a) Full name.
- (b) Title.
- (c) Organization name.
- (d) Mailing address.
- (e) Telephone numbers where the party may be contacted.
- (f) Electronic mail address.

History: 2005 AACS.

R 484.505 Tenure of registration.

Rule 5. Registered contact points shall be valid for 3 years, or until the year a minor or cohort turns 18, whichever comes sooner. The department may establish a shorter tenure of registration if necessary to improve registry operations or services.

History: 2005 AACS.

R 484.506 Options for group registrants.

Rule 6. Group registrants may register 1 or more contact points with the department. Group registrants shall have all of the following options:

- (a) Register individual contact points for all group members.
- (b) Register an entire Internet domain name suffix.
- (c) Register group members in cohorts.

History: 2005 AACS.

R 484.507 Confirmation of registration.

Rule 7. (1) Before the registration is complete and entered into the database, a confirmation message shall be sent to the responsible party and contact points.

- (2) The content of the confirmation message shall be determined by the department.
- (3) Confirmation messages shall be sent via electronic mail whenever possible.

History: 2005 AACS.

R 484.508 Renewals of registered contact points.

Rule 8. (1) The department shall offer a convenient process for renewals that provides for uninterrupted listing in the registry of contact points to which minors have access.

(2) The department may require that confirmation of renewals be provided to responsible parties and contact points.

(3) Responsible parties may renew their registrations through the same business channels offered for the original registration.

History: 2005 AACS.

R 484.509 Amendments and deletions.

Rule 9. (1) Amendments to contact point or registrant information shall be accommodated upon request of the responsible party who initially requested registration of a contact point.

(2) Unless renewed, contact points shall automatically be deleted from the registry when the affected minor or cohort reaches the age of 18, or after 3 years, whichever comes sooner.

(3) Early deletion of registered contact points shall be accommodated upon request of any of the following:

- (a) The responsible party who initially requested registration of the contact point.

- (b) The owner of an address that is erroneously listed as a contact point in the registry.
- (c) The department based upon such additional criteria as it may establish.

History: 2005 AACS.

R 484.510 Mechanism for verification of sender compliance.

Rule 10. (1) No sender or other person, except as designated by the department, may obtain access to the Protect MI Child Registry until payment is received.

(2) A sender shall verify compliance with the Protect MI Child Registry by comparing the lists of contact points for all those to whom the sender wishes to send prohibited messages through the secure system established by the department. The privacy of lists submitted by senders shall be taken into consideration by the department in establishing the configuration requirements for the verification system.

(3) Senders shall not use, sell, or disclose any list of registered contact points that may be derived or obtained through use of the registry or by any other means.

(4) Both of the following apply to confirmation of sender subscription to registry:

(a) Senders shall be provided with confirmation of their subscription following acceptance of their payment.

(b) Senders shall receive informational materials regarding their obligations under the Protect MI Child Act with the confirmation of their subscription.

(5) The sender may send a message, if before sending the message, he or she obtains an affirmative statement of consent, as required by MCL 752.1065(6), from an age-verified adult to receive the message at an adult designated contact point. The sender shall notify the department that the sender intends to send messages as allowed under this section of law and comply with any procedures that may be established.

History: 2005 AACS; 2006 AACS.

R 484.511 Fees.

Rule 11. (1) A registry sign-up fee or charge shall not be assessed to a person registering a contact point with the department.

(2) Both of the following apply to a registry access fee:

(a) Senders shall be charged a fee to access the registry.

(b) The vendor creating the registry system shall propose a fee schedule. That fee schedule shall not exceed 3 cents per contact point checked against the registry, for each time a contact point is checked against the registry. In determining the appropriate fee schedule, the department shall judge vendor submissions which encourage the largest number of compliant senders.

History: 2005 AACS.

R 484.512 Revenue collection.

Rule 12. (1) The department shall establish and administer a revenue account in the state treasury for the Children's Protection Registry Fund, in accordance with section 4 of the Protect MI Child Act.

(2) The department shall determine revenue collection form and arrangements. The revenue collection process may be limited to electronic transactions.

History: 2005 AACS.